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INFORMATION SYSTEMS REPORT

Task Force Report to the Council on Criminal Justice Standards and Goals

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THANK YOU, STAN!

THE PAGES OF THIS REPORT HAVE BEEN MADE MORE INTERESTING BY THE ADDITION OF ILLUSTRATIONS DRAWN BY A DISTINGUISHED MONTANAN, MR. STAN LYNDE OF RED LODGE. HE HAS BROUGHT MUCH CREDIT TO HIS STATE THROUGH HIS WORK, WHICH IS UNIQUE IN ITS USE OF A FRONTIER MONTANA SETTING TO MAKE IMPORTANT SOCIAL COMMENT ON ISSUES OF THIS DAY. THE MONTANA JUSTICE PROJECT IS DEEPLY GRATEFUL TO MR. LYNDE AND TO THE CHICAGO TRIBUNE - N.Y. NEWS SYNDICATE, INC., FOR THEIR INTEREST IN IMPROVING OUR STATE'S CRIMINAL JUSTICE SYSTEM AND FOR THEIR PERMISSION TO USE CHARACTERS FROM THE COMIC STRIP RICK O'SHAY. COPYRIGHT 1976. ALL RIGHTS RESERVED.

STAFF NOTE

To briefly acquaint you with the organization of the Montana Justice Project the following digest is provided:

Governor Thomas L. Judge appointed the Montana Council on Criminal Justice Standards and Goals to adopt a set of standards and goals for the improvement of Montana's criminal justice system in October, 1974. Five task forces (Law Enforcement, Courts, Corrections, Information Systems and Community Crime Prevention) were set up by the Council to research and draft standards and goals for review and adoption by the council. In reading through this report, you will notice the words "ADOPTED", "AMENDED" or "REJECTED" in use throughout. These words are descriptive of the action taken by the council on the proposed task force standards. Only those stamped "adopted" are official standards and goals for the state of Montana.

In cases where only minor wording changes were made for clarification, etc., said changes were incorporated into the task force standard with the explanation of the change stated under "Council Action."

In cases where major substantive revisions were needed, or where standards were rejected due to conflicts, unacceptable wording, etc., the council rewrote the standard to keep its primary intent and inserted it into the task force report at the appropriate point.

You will find these rewritten standards on different colored pages in this report. In these instances the original task force standard was kept intact so that you may note the differences.

We hope that you will find this report a valuable resource for the improvement of Montana's criminal justice system and would urge you to become familiar with the other four task force reports and in particular the council's report to the governor.

Brinton B. Markle

July, 1976

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PREFACE

This report is presented by the Information Systems Task Force as a comprehensive guide for the future. Direction for the development, use and control of information systems by criminal justice is extremely important in light of contemporary trends throughout the criminal justice community.

In striving to improve the criminal justice process as a whole, the various components (law enforcement, courts and corrections) have found it valuable to make use of information systems' technology. Generally, decisionmaking by criminal justice professionals has been traditionally conducted without extensive informational support. This is changing.

With this change has come emphasis upon improving traditional types of information systems as well as making use of automated information systems where practicable. These pursuits have presented problems never before confronted -- including critical cost and security and privacy questions created by the trend toward use of sophisticated information system technologies.

A relatively new market has been created for vendors of computor components. This often places the criminal justice professional in an unfamiliar and vulnerable position when dealing with such a technically oriented area where the costs are usually high.

The speed with which large amounts of data can be assembled, transmitted and made use of through sophisticated information systems has raised many questions regarding the protection of the individual's rights to privacy. The means by which a balance can be struck between those rights and the duties of the state to protect society and preserve order is another complex issue.

The standards of this report address these problems and others in developing some directions for the development and use of information systems by criminal justice in Montana, mainly in five major areas:

SECURITY AND PRIVACY ADMINISTRATION: The task force found that legislation must be written establishing security and privacy safeguards for all criminal justice information systems. This legislation should contain basic standards relative to these protections and establish a security and privacy review board to further establish rules and regulations as uniques situations and changing technology demand. This review board should be enabled to exercise these broad supervisory and review powers over all criminal justice information systems.

COORDINATION OF SYSTEM DEVELOPMENT AND USE: The task force has called for Montana to authorize an agency of state government to advise and coordinate the development, administration and

operation of the state's criminal justice information systems at all jurisdictional levels. Authorization should also be given to a statistical analysis center to collect, analyze and disseminate data describing the extent of crime and the performance of the criminal justice system.

INFORMATIONAL NEEDS OF SYSTEM COMPONENTS: Montana should authorize development and operation of information systems to serve the needs of the three components of the criminal justice system: law enforcement, courts and corrections. Minimum standards of performance, efficiency and usefulness of all systems.

CRIMINAL HISTORY/OBTS: Montana should develop an information system capable of providing for the rapid efficient identification of a criminal offender, as well as supplying criminal background and current status information for such an individual. The system should also be able to follow the offender from initial contact, pinpointing each transaction with the various components of the criminal justice system and the resulting disposition, until exit from the system. This tracking will enable statistical analysis of the entire criminal justice process.

MANDATORY REPORTING: Montana should upgrade and improve its statutes authorizing criminal justice agencies to report and collect information. Mandatory reporting legislation is

necessary to enable the Department of Justice, Supreme Court, the Corrections Division of the Department of Institutions and all individual criminal justice agencies to collect information for the development of statewide criminal justice information and statistics systems.

The interdependence of the various sections of the report cannot be overemphasized. The task force urges that, as their report is read, considerable attention be paid the interrelated nature of the various sections contained therin. For example, the privacy and security regulations outlined in the report have little or no meaning unless the systems those regulations seek to control are developed and operated in an efficient, effective manner. Conversely, the operation and use of those systems would have very little justification if the privacy of the individual citizen is not vigorously guarded.

Much of what is contained in this volume will be found useful at the most basic levels of filing and record keeping while many of the standards will be useful as more sophisticated methods and equipment develop and become available. Implementation of the standards and legislation called for will rely heavily upon support by all sectors of criminal justice at all jurisdictional levels.

Information system development is necessary if coordination of effort and the common goals of the various criminal justice

components are to be realized. The call for accountability in the expenditures of public monies for criminal justice demands that systems be developed to supply the necessary support to programs aimed at dealing with crime in our society.

CRIMINAL JUSTICE

INFORMATION SYSTEMS DEVELOPMENT

CHAPTER 1

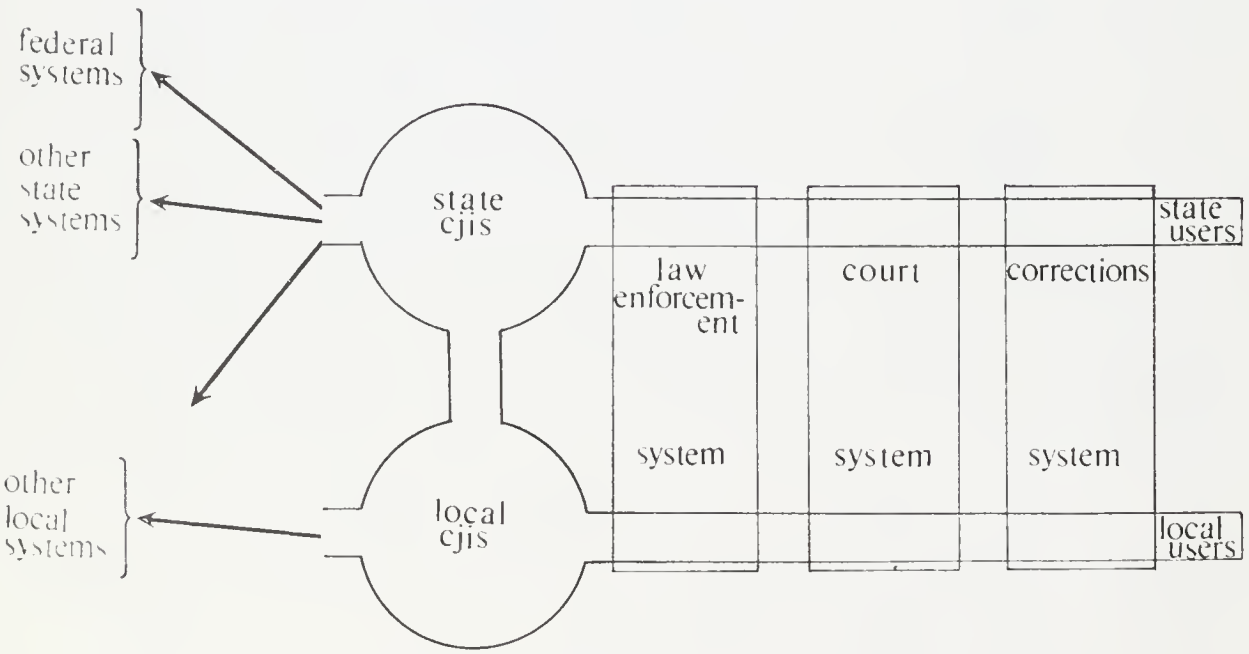
CRIMINAL JUSTICE INFORMATION SYSTEMS DEVELOPMENT

The Standards of Chapter One are included as a single package of standards outlining the basis or framework for criminal justice information systems development. The task force felt the perspective advanced by the National Advisory Commission was basically sound and offered, with some change, a few good indications as to how Montana should proceed from the present in perceiving its criminal justice information systems for the future.

This package of standards should be viewed as a set of definitions outlining the roles and interrelationships of the various jurisdictional levels and agencies as involvement in a total criminal justice information system occurs. The standards contained in this section are statements that set the stage for the detail and specifics of the standards found in the latter parts of this report.

Figure I demonstrates what is suggested by these standards in terms of the conceptual relationships of the various systems involved. The three levels which are shown in Figure I correspond to the interjurisdictional nature of the criminal justice system and reflect the difference in function of the three sectors of the criminal justice system.

While a cross component (courts, law enforcement, and corrections) function exists at state and local governmental information system levels, cross-jurisdictional functioning exists to serve the unique informational needs of the three sectors or components of the criminal justice system. It is from this base that chapter one addresses the nature of information systems dedicated to the entire scope of the criminal justice system as a single entity.



(Figure I)

ADOPTED

COORDINATION OF INFORMATION SYSTEMS DEVELOPMENT

TASK FORCE FINDINGS

Standard 1.1 is a formal statement voicing the concern of the task force regarding the use and development of criminal justice information systems. If left unattended without design and planning this development, as with most forms of growth, could very well balloon into an unmanageable mess. The experience in many of Montana's sister states has shown this to be the case. Unplanned development of systems under various jurisdictional levels and agency responsibility has produced needless duplication of functions, incompatible systems, and needless expenditures of money and resources. The task force feels that Montana's primitive state, in terms of systems development, is of great advantage if taken in light of learning by the mistakes of others.

Recognition of the ever-increasing capability of computer technology and systems approaches to information and its management further reinforces the need for our state to plan for growth and control over what could otherwise be chaotic, expensive and futile.

Section four of this standard was felt to contain problems in definition. Further explanation of intent is added by the task force to explain exactly what is meant by an "audit".

The Montana Board of Crime Control's tentative Information Systems Plan for 1975 defines an audit as the periodic examination of operating procedures such as data preparation, data base content, storage of reports and privacy and security procedures. Further, the audit should determine proper recording on forms, updating procedures and controls over information access. The plan also recommends thorough documentation of any such audit.[1]

The task force feels such audits of information would insure that:

* The right people are receiving the proper and correct information;
* Information available is timely, correct and accomodates user needs;

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[1] Montana Board of Crime Control, Ken Curtiss, The Montana Criminal Justice Information Systems Plan, May 1975, Sec VII, p.14.

* Quality control regarding system design programing and documentation are present;
* Training of system personnel is satisfactory; and
* Security measures are adequate enough to insure the safeguarding of privacy where sensitive data is involved.

The use of a systems audit is recognized as one of the main steps to be taken toward standardization of most information systems from private industry to governmental operation. A recent example of this emphasis on systems auditing can be seen in the contemporary effort by the International Association of Chiefs of Police to establish an audit program for the long-time source of crime data, the Uniform Crime Reports. The emphasis here is to rid the reports of the failings of poor quality control lending to random fluctuation in reporting, which has been a plague to the reliability of the reports since their beginning in 1930. In this case, an efficient audit procedure is seen as a giant step toward reliable statistics.[2]

STANDARD 1.1

MONTANA SHALL CREATE AN ORGANIZATIONAL STRUCTURE FOR COORDINATING THE DEVELOPMENT OF INFORMATION SYSTEMS AND FOR MAKING MAXIMUM USE OF COLLECTED DATA IN SUPPORT OF CRIMINAL JUSTICE MANAGEMENT BY TAKING THE FOLLOWING STEPS:

1. ESTABLISH A CRIMINAL JUSTICE INFORMATION PLANNING AND ANALYSIS UNIT THAT WILL COORDINATE THE DEVELOPMENT OF AN INTEGRATED NETWORK OF INFORMATION SYSTEMS IN THE STATE, AND WILL SATISFY INFORMATION NEEDS OF MANAGEMENT DECISION-MAKING FOR STATE AND LOCAL CRIMINAL JUSTICE AGENCIES AS WELL AS SATISFYING ESTABLISHED FEDERAL REQUIREMENTS FOR INFORMATION.
2. WHILE MAKING PROVISIONS FOR CONTINUAL REVIEW AND REFINEMENT, PREPARE A MASTER PLAN FOR THE DEVELOPMENT OF AN INTEGRATED NETWORK OF CRIMINAL JUSTICE INFORMATION SYSTEMS (including the production of data needed for statistical purposes) SPECIFYING ORGANIZATIONAL ROLES AND TIMETABLES.
3. PROVIDE TECHNICAL ASSISTANCE AND TRAINING TO ALL JURISDICTION LEVELS AND AGENCIES IN DATA COLLECTION METHODS, CONCEPTS SYSTEM DEVELOPMENT, AND RELATED AREAS.

[2] See, International Association of Chiefs of Police, U.C.R. Audit Manual, 1975, pp. 1.1 - 1.10

4. ARRANGE FOR SYSTEM AUDIT AND INSPECTION TO INSURE THE MAINTENANCE OF MAXIMUM QUALITY IN EACH OPERATING SYSTEM.
5. ANY INDIVIDUAL SYSTEMS FALLING UNDER THE SCOPE OF THE CRIMINAL JUSTICE SYSTEM SHOULD BE PREDICATED ON A SYSTEM ANALYSIS AND DESIGN CONSISTENT WITH THE STANDARDS IN THIS REPORT.[3]

IMPLEMENTATION

1. Legislation and/or executive order required.
2. Administrative support and policy formulation.

CROSS REFERENCE

Standards 2.4, 2.6, 6.1, 1.8, Courts Report 9.6, Corrections Report 8.1, 14.2 and 14-A. Community Crime Prevention Report 5.3.

COUNCIL ACTION: Adopted as written.

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3 National Advisory Commission Volume, Criminal Justice System, p. 154.

INFORMATION SYSTEMS PLANNING

ADOPTED

TASK FORCE FINDINGS

Standard 1.2 is directly tied to the preceding standard 1.1. This standard further emphasizes the need to formally establish comprehensive, forward-looking planning for the use and development of information systems. This standard outlines the basic elements of a master plan for such use and development. Though presently in effect as policy within the Montana Board of Crime Control in response to L.E.A.A. funding regulations (implied authority within the Omnibus Crime Control and Safe Streets Act as amended by the Crime Control Act of 1973), no formal acknowledgement outside the state planning agency has existed previously in Montana calling for development of a master plan.

The master plan suggested by this standard should enable comparison between established funding priorities and proposed projects. The plan would also establish guidelines for the development of criminal justice information systems.

The task force agreed that the approach of management by crisis in criminal justice must be replaced by long range planning. It further indicated that planning in this area is critical in that it could drastically affect the outcome of extremely necessary and potentially costly projects.

STANDARD 1.2

MONTANA SHALL ESTABLISH AND MAINTAIN A FIVE-YEAR PLAN FOR THE DEVELOPMENT AND OPERATION OF CRIMINAL JUSTICE INFORMATION SYSTEMS AT THE STATE AND LOCAL LEVELS. THE PLAN SHOULD BE UPDATED ON A YEARLY BASIS TO KEEP IT CURRENT. IT SHOULD CONTAIN THE FOLLOWING ELEMENTS:

1. THE PLAN SHOULD SPECIFY INFORMATION SYSTEM OBJECTIVES AND SERVICES TO BE PROVIDED, INCLUDING:
   a. STATE AND LOCAL JURISDICTIONAL RESPONSIBILITIES;
   b. ORGANIZATIONAL RESPONSIBILITIES AT THE STATE LEVEL;

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[1] See, LEAA Guideline Manual (draft) M4100. 1E, U.S. Department of Justice Law Enforcement Assistance Administration 1975 pp. 1, 165-67. Also: Guideline and Procedures Manual for EDP Systems by Branden and Associates for LEAA, 1975 pp. i, ii, 2-10.

c. DIRECTION AND SCOPE OF INFORMATION SYSTEMS;
d. PRIORITIES FOR DEVELOPMENT;
e. AN IMPLEMENTATION SCHEDULE; AND
f. IMPEDIMENTS AND ANTICIPATED SOLUTIONS.

2. THE PLAN SHOULD INDICATE THE APPROPRIATE FUNDING SOURCE, BOTH FOR THE DEVELOPMENT AND OPERATION OF THE VARIOUS INFORMATION SYSTEMS.
3. THE PLAN SHOULD PROVIDE MECHANISMS FOR OBTAINING USER ACCEPTANCE, INVOLVEMENT, AND EVALUATION.
4. THE PLAN SHOULD CONTAIN TECHNICAL STANDARDS AND MANAGEMENT CONTROLS FOR THE DEVELOPMENT AND OPERATION OF INFORMATION SYSTEMS.

IMPLEMENTATION

1. Legislation and/or executive order required.
2. Support by all facets of the criminal justice system affected by it.

CROSS REFERENCE

Standards 1.1, 1.5 and 1.6. Corrections Report 8.1, 14.2 and 14-A.

COUNCIL ACTION: Adopted as written.

UNIFORM CLASSIFICATION OF DATA

ADOPTED

TASK FORCE FINDINGS

In order to insure uniform and accurate dissemination of information, the importance of the use of uniform definitions by all sectors at all levels of the criminal justice system is emphasized in Standard 1.3. Communication between the various entities of the system about the functioning of criminal justice system as a whole is hinged on intra-system understanding. The inability of courts, corrections, and law enforcement to discuss the common elements of their operations, the offense and, the offender, in the same terms has led to considerable misunderstanding about the criminal justice system's major goal -- to reduce crime in society.

In recommending the establishment of documentation in the operation of information systems for criminal justice, we address a matter of practicality: All too often such procedures, especially in computer systems, are designed and established by one individual, and much time can be spent tying loose ends together when that individual leaves. If that person has documented the procedures used, this can be avoided.

STANDARD 1.3

UNIFORM DEFINITIONS SHOULD APPLY TO ALL CRIMINAL JUSTICE INFORMATION SYSTEMS. STANDARD DOCUMENTED PROCEDURES SHOULD BE ESTABLISHED AND CLEARLY OUTLINED FOR RECORDING, COLLECTING, AND PROCESSING EACH ITEM OF STATISTICAL DATA.

ALL DATA-BASE RECORDS SHOULD BE INDIVIDUAL-BASED AND CONTAIN ELEMENTS THAT ARE OBJECTIVELY CODABLE BY A CLERK. THE PROCEDURES FOR CODING DATA SHOULD BE ESTABLISHED UNIFORMLY.

IMPLEMENTATION

Adoption by system developers, user groups and appropriate administrators as policy.

CROSS REFERENCE

Standard 1.1 and 1.2

COUNCIL ACTION: Adopted as written.

EXPANSION OF THE CRIMINAL JUSTICE DATA BASE

ADOPTED

TASK FORCE FINDINGS

This standard emphasizes the necessity to provide means for expanding a data base as future needs occur. In the development of information systems for criminal justice, long-range planning must be employed to make available the means to accomodate such needs. The expense of changing computerized systems is usually costly, demanding that some attention be paid the future.[1]

The President's Commission...of 1967 suggested that the design of criminal justice information systems be based on expected informational needs.[2] Though recommendations of this type seem to be common sense, often the obvious is easily overlooked; thus this standard.

STANDARD 1.4

CRIMINAL JUSTICE INFORMATION SYSTEMS SHOULD BE FLEXIBLE ENOUGH TO ALLOW FOR EXPANSION OF THE DATA BASE AND TO MEET NEW INFORMATION NEEDS. A MODULAR SYSTEM SHOULD BE DESIGNED AND IMPLEMENTED TO PROVIDE THIS FLEXIBILITY. TECHNIQUES SHOULD BE ESTABLISHED FOR TESTING NEW MODULES WITHOUT DISRUPTING THE ONGOING OPERATION OF THE SYSTEM. INTERACTION WITH USERS, PLANNERS AND ADMINISTRATORS SHOULD TAKE PLACE BEFORE THE DATA BASE IS EXPANDED OR NEW TECHNIQUES ARE INTRODUCED.

IMPLEMENTATION

Incorporation of this concept into basic phases of system planning.

CROSS REFERENCE

Standard 1.1 , 1.2 and 7.2. Corrections Report 14.2 and 14-A.

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[1] See, Ohio State University, Standards and Goals Comparison Project Volume II-Criminal Justice System, Program for the Study of Crime and Delinquency March 31, 1974 pp. 32-33.

[2] President's Commission on Law Enforcement and Administration of Justice, Task Force: Science and Technology (Washington, DC: Government Printing Office, 1967), p.69.

COUNCIL ACTION: Adopted as written.

MONTANA'S ROLE IN CRIMINAL JUSTICE INFORMATION AND STATISTICS (1.5)

LOCAL CRIMINAL JUSTICE INFORMATION SYSTEMS (1.6)

ADOPTED

TASK FORCE FINDINGS

Standards 1.5 and 1.6 turn on the philosophy of a unified effort for the criminal justice system. The task force felt that if in fact the various entities of the justice process are to achieve this unity in effort, cross jurisdictional information flow must be established at national, state and local levels (see figure I). It was acknowledged that in Montana these flows of information do exist at present, but are rather unorganized, lending to much duplication and unreliability.

Most authorities view the criminal justice system as a total effort. In 1967, the President's Commission on Law Enforcement and Administration of Justice, addressing these concepts, recommended organization of a nationally-integrated information system to serve criminal justice. Project Search took the position that the best jurisdictional level at which this development and coordination should occur was at the state level.[1] This is also endorsed by the American Bar Association[2] and is the basis for Standard 1.5.

Standard 1.6 goes further to emphasize the need for a comprehensive system at the local level to facilitate the common interagency needs for the various criminal justice agencies of a given county, municipality, or other local region of jurisdiction within the state. Types of information falling into the category, exclusive but common to local interagency needs include: supportive data to the state-level criminal history/offender-based transaction statistics systems where operational (this is a record of any and all steps in the formal processing of an arrested individual, from initial arrest to ultimate disposition); operational information for that particular region or locality; and administrative types of information of a common nature to agencies of the same locality.

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[1] Project SEARCH, Technical Report #3: Designing Statewide Criminal Justice Statistics Systems... Sacramento, CA. CTRF, 1970.

[2] Ohio State University, Standards and Goals Comparison Project Volume II Criminal Justice System pp. 12-13.

STANDARD 1.5

MONTANA SHALL ESTABLISH A CRIMINAL JUSTICE INFORMATION SYSTEM AND ENACT LEGISLATION BY 1977 PROVIDING FOR ITS OPERATION. THE CRIMINAL JUSTICE INFORMATION SYSTEM SHALL PROVIDE THE FOLLOWING SERVICES:

1. ON-LINE FILES FULFILLING A COMMON NEED OF ALL CRIMINAL JUSTICE AGENCIES INCLUDING WANTED PERSONS (felony and misdemeanor), AND IDENTIFIABLE STOLEN ITEMS;
2. COMPUTERIZED CRIMINAL HISTORY FILES FOR PERSONS ARRESTED FOR AN NCIC-QUALIFIED OFFENSE, WITH ON-LINE AVAILABILITY OF AT LEAST A SUMMARY OF CRIMINAL ACTIVITY AND CURRENT STATUS OF OFFENDERS;
3. COMPUTERIZED CRIMINAL IDENTIFICATION FILES INCLUDING FINGERPRINTS, PHYSICAL DESCRIPTIONS AND MODUS OPERANDI;
4. ACCESS BY COMPUTER TERMINAL TO VEHICLE AND DRIVER FILES;
5. A HIGH-SPEED INTERFACE WITH NCIC PROVIDING ACCESS TO ALL NCIC FILES;
6. ALL NECESSARY TELECOMMUNICATIONS MEDIA AND TERMINALS FOR PROVIDING ACCESS TO LOCAL USERS, EITHER BY COMPUTER-TO-COMPUTER INTERFACE OR DIRECT TERMINAL ACCESS;
7. THE COMPUTERIZED SWITCHING OF AGENCY-TO-AGENCY MESSAGES FOR ALL INTRASTATE USERS AND ROUTING (formatting) OF MESSAGES TO AND FROM QUALIFIED AGENCIES IN OTHER STATES;
8. THE COLLECTION, PROCESSING, AND REPORTING OF UNIFORM CRIME REPORTS (UCR) FROM ALL LAW ENFORCEMENT AGENCIES IN THE STATE WITH REPORT GENERATION FOR THE FEDERAL GOVERNMENT AGENCIES, APPROPRIATE STATE AGENCIES, AND CONTRIBUTORS (see Standard 2.4);
9. IN CONJUNCTION WITH CRIMINAL HISTORY FILES, THE COLLECTION AND STORAGE OF ADDITIONAL DATA ELEMENTS AND OTHER FEATURES TO SUPPORT OFFENDER-BASED TRANSACTION STATISTICS;
10. REPORTING COMPUTERIZED CRIMINAL HISTORIES TO THOSE AGENCIES THE MONTANA PRIVACY AND SECURITY BOARD DEEMS NECESSARY.
11. REPORTING OFFENDER-BASED TRANSACTION STATISTICS TO AUTHORIZED AGENCIES AS DEEMED NECESSARY BY THE MONTANA PRIVACY AND SECURITY BOARD.

STANDARD 1.6

LOCAL CRIMINAL JUSTICE AGENCIES MUST BE SERVICED BY A LOCAL CRIMINAL JUSTICE INFORMATION SYSTEM WHICH SUPPORTS THE NEEDS OF CRIMINAL JUSTICE AGENCIES.

1. THE LOCAL CRIMINAL JUSTICE INFORMATION SYSTEM (LCJIS) SHOULD CONTAIN INFORMATION CONCERNING EVERY PERSON'S ARREST AND SUBSEQUENT DISPOSITION WITHIN THAT LOCALITY, FROM THE TIME OF ARREST UNTIL NO FURTHER CRIMINAL JUSTICE TRANSACTIONS CAN BE EXPECTED WITHIN THE LOCALITY CONCERNING THAT ARREST AND SUBSEQUENT DISPOSITION.
2. THE LCJIS SHOULD CONTAIN A RECORD OF EVERY LOCAL AGENCY TRANSACTION PERTAINING TO A CRIMINAL OFFENSE, THE REASON FOR THE TRANSACTION, AND THE RESULT OF EACH SUCH TRANSACTION.
3. THE LCJIS SHOULD CONTAIN THE PRESENT CRIMINAL JUSTICE STATUS FOR EACH INDIVIDUAL CONTAINED THEREIN.
4. THE LCJIS SHOULD PROVIDE PROMPT RESPONSE TO INQUIRIES FROM CRIMINAL JUSTICE AGENCIES.
5. LCJIS SHOULD PROVIDE A MASTER NAME INDEX OF PERSONS, UPON WHOM INFORMATION IS CONTAINED WITHIN THE CJIS, TO THE CRIMINAL JUSTICE AGENCIES IN ITS JURISDICTION. THIS INDEX SHOULD INCLUDE IDENTIFYING INFORMATION.
6. THE LCJIS SHOULD PROVIDE TO THE PROPER STATE AGENCIES INFORMATION CONCERNING ALL POST-ARREST OFFENDER STATISTICAL DATA AS REQUIRED.
7. THE LCJIS SHOULD PROVIDE TO THE PROPER STATE AGENCIES THE POST-ARREST DATA NECESSARY TO MAINTAIN A CURRENT CRIMINAL HISTORY RECORD ON PERSONS ARRESTED AND PROCESSED WITHIN A LOCALITY.
8. IF AUTOMATED, LCJIS SHOULD PROVIDE TELECOMMUNICATIONS INTERFACE BETWEEN THE STATE CJIS AND CRIMINAL JUSTICE AGENCIES WITHIN ITS LOCALITY.

IMPLEMENTATION

1. Legislative action delineating the roles and responsibilities at all levels within all components of the criminal justice system regarding information systems.
2. Adoption by criminal justice administrators at the state and local levels respectively.

CROSS REFERENCE

Standards 1.2, 1.3, 1.4, 2.4, 2.10, 2.11, Chapter 5 and 6.1. Courts Report 9.5, Corrections Report 14.2 and 14-A. Community Crime Report 5.3.

COUNCIL ACTION: Adopted as written.

CRIMINAL JUSTICE COMPONENT INFORMATION SYSTEMS

ADOPTED

TASK FORCE FINDINGS

Standard 1.7 advances the concept of the component information system. The component information system must be looked at in light of the unique needs of each component (courts, law enforcement, corrections) of the criminal justice system. Consideration of the individual innerworkings of each component demonstrate the need for component responsive systems as suggested by this standard. The component information systems relate to information flow at state and local level as pictured in figure 1.

Certain of the informational needs of each distinct component of the criminal justice system (usually typified in terms of management information) support the individual component's functioning, and are therefore unique to it. These unique traits are of little or no consequence when taken in light of the cross-jurisdictional functioning of state and local level systems, but are all important to the court, corrections or law enforcement function specifically. (More detail regarding component requirements is found in Chapters 2, 3 and 4.)

Computer support, though implied by this standard, is not a major intent of the standard. This standard, as well as the majority of this report, is intended to apply to manual and semi-automated systems as well.

In its 1967 report, the President's Commission acknowledged the potential value of concentrating on automation in upgrading the various support systems of each component.[1]

The American Correction Assocations in its Manual of Correctional Standards[2] endorses consideration of automation in improving the efficiency of correctional operations, while the ABA recommends such consideration by both the courts and police for the same reasons.[3]

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[1] See, President's Commission on Law Enforcement and Administration of Justice Task Force Report; Science and Technology and Police.

[2] American Correctional Association Manual of Correctional Standards Washington D.C., ACA 1966.

[3] American Bar Association, Standards Relating to the Urban Police Function also Computers and the Law ABA-1972 p.237 and ABA 1966 p.72 respectively.

STANDARD 1.7

EVERY COMPONENT AGENCY OF THE CRIMINAL JUSTICE SYSTEM (Law Enforcement, Courts, Corrections) SHOULD BE SERVED BY AN INFORMATION SYSTEM WHICH SUPPORTS ITS INTRA-AGENCY NEEDS. THE COMPONENT INFORMATION SYSTEM, (CIS) SHOULD PROVIDE THE NECESSARY DATA TO ENABLE:

1. THE INTERNAL ALLOCATION OF PERSONNEL AND OTHER RESOURCES OF THE AGENCY.
2. THE SCHEDULING OF EVENTS, CASES, AND TRANSACTIONS WITHIN THE AGENCY.
3. THE AGENCY ADMINISTRATOR TO CONDUCT A WORKLOAD ANALYSIS.
4. THE PROPER FUNCTIONING OF ALL OTHER COMPONENT AGENCIES SYSTEMS AS APPROPRIATE, AND SHOULD RETAIN ONLY THAT DATA REQUIRED FOR ITS OWN SPECIFIC PURPOSES.
5. THE CONDUCT OF RESEARCH AND PROGRAM EVALUATION.

THE CIS SHOULD PROVIDE COMMUNICATION WITHIN AND AMONG ALL USERS.

IMPLEMENTATION

1. Adoption by criminal justice administrators as guidelines in establishing component systems.
2. Adoption by systems planners for future development of component information systems.

CROSS REFERENCE

Standards 2.1, 2.4, 2.5, 2.6, 2.7, 2.8, 3.1, 3.2, 4.1, 4.3, 4.4, and 4.5. Police Report 6.2 and 9-E. Courts Report 9.1 and Corrections Report 14.2 and 14-A.

COUNCIL ACTION: Adopted as written.

THE ESTABLISHMENT OF CRIMINAL JUSTICE USER GROUPS

ADOPTED

TASK FORCE FINDINGS

This standard treats the concept of incorporating the requirements of the actual users of an information system into the development and operation of the system. This was seen by the task force as paramount in determining the effectiveness of any system. As in the National Advisory Commission's report, Criminal Justice System:

> "Because of the decentralized nature of the criminal justice system, it is important to have the advice and consent of the actual users. Much of the duplication that now exists in the country involving criminal justice information systems was caused by lack of understanding and cooperation between agencies."[1]

Too often administrators make decisions which overlook the operational feasibilities the technical personnel are acutely aware of. It is for these reasons -- contrary to the National Advisory Commission standard 10.2 -- the task force feels the technicians, as well as the officials responsible for the respective agencies involved, should be voting members of any user group. This insures the quality of any decisionmaking affecting the system itself.

Representation of a user group should include a comprehensive enough sample to represent each agency served by the system. All jurisdictional levels involved should also be represented where the system's service applies.

STANDARD 1.8

ALL CRIMINAL JUSTICE INFORMATION SYSTEMS, REGARDLESS OF THE LEVEL AT WHICH THEY OPERATE, MUST ESTABLISH USER GROUPS. THESE GROUPS SHALL HAVE INFLUENCE OVER THE OPERATION OF THE SYSTEM, ITS CONTINUING DEVELOPMENT, AND MODIFICATIONS TO IT.

1. A USER GROUP SHALL BE ESTABLISHED FROM REPRESENTATIVES OF ALL CRIMINAL JUSTICE AGENCIES THAT USE THE CRIMINAL JUSTICE INFORMATION SYSTEM.

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[1] National Advisory Commission...Criminal Justice System U.S. Government Printing Office 1973, p.150

2. THE OPERATING POLICY OF A CRIMINAL JUSTICE INFORMATION SYSTEM SHOULD BE ESTABLISHED BY THE USER GROUP IN CONJUNCTION WITH THE ADMINISTRATORS OF THAT SYSTEM.
3. THE USER GROUP SHOULD ALSO BE RESPONSIBLE FOR ENCOURAGING USE OF THE SYSTEM IN ALL AGENCIES AND SHOULD BE DIRECTLY CONCERNED WITH TRAINING PROVIDED BY BOTH THEIR OWN STAFF AND THE CENTRAL AGENCY.
4. MEMBERSHIP IN THE USER GROUP MUST INCLUDE END USERS AS WELL AS THE OFFICIALS AND TECHNICAL PERSONNEL OF THE VARIOUS CRIMINAL JUSTICE AGENCIES SERVED BY THE CJIS.

IMPLEMENTATION

1. Adoption as policy by the criminal justice system administrators.
2. Legislation required.

CROSS REFERENCES

Directly relates to standards 2.2 6.2 and 8.3 of this report, Courts Report Standard 10.5. Corrections Report 14.2 and 14-A.

COUNCIL ACTION: Adopted as written.

LAW ENFORCEMENT

INFORMATION SYSTEMS

CHAPTER 2

The following standards are aimed at the basic informational needs of law enforcement as a functioning component of the criminal justice system. Though law enforcement is typically involved in many activities that do not fall strictly within the scope of criminal justice (ie. traffic control), this task force chose (as did the National Advisory Commission) to exclude those types of activities in considering of the informational needs of law enforcement. The term "police", when used herein, refers to the tribal police, county sheriff, municipal police departments, or where consolidated, a metropolitan police force within Montana, as defined in the glossary of this volume. This further excludes direct reference to those agencies whose function it is to enforce laws but are not properly part of the criminal justice system. (e.g. The Montana Fish and Game Department Enforcement Division or the Montana Highway Patrol). Some of the suggestions herein may apply outside the agencies directly held responsible by statute to enforce criminal law but specific problems were not addressed.

The standards which follow address the operation, management and administrative needs of law enforcement. In dealing with crime, the law enforcement function is seen as entailing the prevention and detection of crime and the apprehension of criminals. The types of information supportive of these activities are directly based upon criminal activity, including the extent of the crime, its location, type and time. Using various combinations of the elements of crime, deployment of personnel and resources may be planned for use both geographi-

cally and with respect to time. This may range from the hour and moment for dispatching operations to the seasonal trends and crime type for prediction and detection city, county or state-wide.

In Montana's early days, the storage and retrieval of law enforcement information took on many forms. The "wanted" poster informed frontier Montanans of fugitives, while the methods of the individual law enforcement officer usually reflected a bit of his personality. Deputy U.S. Marshal Neil Howe rode the territory with slips of paper in his pocket describing missing horses or wanted men: "Smith being large man, fair complecion (sic). Broke prison in Nevada. Farley, Broke prison same time. Red head and beard. Four fingers on left hand." That kind of information was invaluable when the marshal encountered such fugitives.

The development of information systems to serve law enforcement has typically outstripped the development of systems for the needs of the other sectors of the criminal justice system. The necessity of fast response has justified the use of computers by law enforcement in many areas across the nation. In Montana, other than state-level development, Billings, Great Falls and Missoula are the only local areas actively involved in computerization, though many cities, towns and counties in the state are currently evaluating the feasibility of several forms of semi-automated and automated file and record systems for law enforcement.

POLICE INFORMATION SYSTEMS

ADOPTED

TASK FORCE FINDINGS

The functions of information systems for law enforcement, as designated by this standard, are aimed at supplying the individual agency with the information necessary for management and operational decisionmaking. Lack of information to support these functions leaves the administration of a department to intuitive management and luck. The task force felt that support of all the administrative needs of a law enforcement agency, including such things as resource allocation, must be met through the use of the powerful yet basic tool of information.

The task force further emphasized the need for self analysis in the law enforcement agency. Here, as in private industry, to attain an acceptable level of productivity, some means must be employed to measure the rationale and the cost versus the effectiveness of administrative decisions. Through the use of information of various types and combinations, the administrator is able to develop an approach as unique to a specific setting as possible in answer to the question of crime reduction.

This standard is wholly in agreement with the 1967 Task Force Report: Science and Techology, in which the President's Commission named, similarly, five functions of an information system for law enforcement; police patrol, crime investigation, police deployment, budgeting, and research.[1]

This standard is also found to be an expansion of statements made by the ABA, Project SEARCH and the International City Management Association.[2]

STANDARD 2.1

EVERY POLICE AGENCY SHOULD HAVE A WELL-DEFINED, INFORMATION SYSTEM TO COLLECT, STORE AND RETRIEVE INFORMATION MOVING THROUGH THE AGENCY. THE USE OF SUCH A SYSTEM SHOULD BE DIRECTED

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1 President's Commission on Law Enforcement and Administration of Justice, Task Force Report: Science and Technology, Washington D.C., Government Printing Office, 1967, p.68.

2 Ohio State University Standards and Goals Comparison Project Volume II-Criminal Justice System, Program for the study of crime and delinquency 1974, pp. 46-47.

TOWARD CRIME REDUCTION WITHOUT SACRIFICING LOCAL AUTONOMY. PROPER FUNCTIONS OF SUCH A SYSTEM INCLUDE:

1. DISPATCH INFORMATION, INCLUDING THE GENERATION OF DATA DESCRIBING THE DISPATCH OPERATION AND DATA USEFUL IN THE DISPATCHING PROCESS;
2. EVENT INFORMATION, INCLUDING THE GENERATION AND ANALYSIS OF DATA ON INCIDENTS AND CRIMES;
3. CASE INFORMATION, INCLUDING DATA NEEDED DURING FOLLOWUP UNTIL POLICE DISPOSITION OF THE CASE IS COMPLETED;
4. REPORTING AND ACCESS TO OTHER SYSTEMS WHICH PROVIDE REQUIRED DATA FOR OPERATIONAL OR STATISTICAL PURPOSES; AND
5. PATROL OR INVESTIGATIVE SUPPORT DATA NOT PROVIDED BY EXTERNAL SYSTEMS, SUCH AS MISDEMEANOR WANT/WARRANT DATA, TRAFFIC AND CITATION REPORTING, AND LOCAL PROPERTY DATA.

IMPLEMENTATION

1. Adoption by law enforcement administrators.

CROSS REFERENCES

Standards 1.5, 1.6, 1.7, 2.7, and 2.8.
Recommendations 2-A and 2-B.
Police Report 6.2, 6-A, 6-D.

COUNCIL ACTION: Adopted as written.

ADOPTED

TASK FORCE FINDINGS

This recommendation is concerned with the efficiency of reporting procedures within individual law enforcement agencies. The task force cited cumbersome forms and duplicative efforts as major contributors to what is termed "paper pollution". The efficient collection of useful data for management relies heavily upon the ease, accuracy and timeliness of reporting by the field officer. That officer must have the simpliest, most comprehensive, and rapid means available to describe events which have occurred.

The second section suggests that provisions be made to allow a less formal means of reporting where no formal activity by the agency is required. This allows for the establishment of priorities for response in answer to any of the varied possible combinations of circumstances which could occur, thereby maximizing the field time of the patrol force. This approach is exactly what was recommended by the International City Management Association in 1969[1] as refered to in the Ohio State University, Standards and Goals Comparison Project, Volume II.

RECOMMENDATION 2-A

EVERY POLICE AGENCY SHOULD ESTABLISH PROCEDURES WHICH WILL INSURE SIMPLE AND EFFICIENT REPORTING OF CRIMINAL ACTIVITY, ASSIST IN CRIMINAL INVESTIGATIONS, AND PROVIDE COMPLETE INFORMATION TO OTHER COMPONENTS OF THE CRIMINAL JUSTICE SYSTEM.

1. EVERY POLICE AGENCY SHOULD IMMEDIATELY PUBLISH THE CIRCUMSTANCES WHICH REQUIRE AN OFFICER TO COMPLETE A REPORT, AND SHOULD PROVIDE PRINTED FORMS FOR CRIME, ARREST, AND OTHER REPORTS. SUCH FORMS SHOULD HAVE ENOUGH APPROPRIATELY HEADED FILL-IN BOXES AND COMPANION INSTRUCTIONS TO ASSIST THE OFFICER IN OBTAINING AND REPORTING ALL NECESSARY INFORMATION.
   a. THERE SHOULD BE A FORMS CONTROL PROCEDURE WHICH SUBJECTS EVERY DEPARTMENTAL FORM TO INITIAL APPROVAL AND PERIODIC REVIEW TO DETERMINE IF THE FORM'S USE IS APPROPRIATE AND THE INFORMATION CALLED FOR IS NECESSARY.

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[1] International City Management Association, Municipal Police Administration, George D. Eastman Ed. (Washington D.C.: International City Management Association, 1967), p.81.

b. FIELD REPORTS SHOULD BE AS SIMPLE AS POSSIBLE TO COMPLETE, AND THEIR DESIGN SHOULD PERMIT SYSTEMATIC COLLECTION OF SUMMARY AND MANAGEMENT DATA.

2. EVERY AGENCY SHOULD IMMEDIATELY CONSIDER ADOPTING POLICIES THAT ALLOW REPORTS BY FIELD OFFICERS OF MISDEMEANORS AND MISCELLANEOUS INCIDENTS TO BE ACCEPTED BY TELEPHONE WHEN:
   a. NO FIELD INVESTIGATION APPEARS NECESSARY; AND
   b. THE EFFORTS OF THE PATROL FORCE WOULD OTHERWISE BE DIVERTED FROM HIGHER PRIORITY DUTIES.

IMPLEMENTATION

Adoption by law enforcement agency administrators.

CROSS REFERENCE

Standards 1.1, 1.6, 1.7, 2.1, 2.3, 2.7, 2.9 and 2.10.
Police Report 9-E.

COUNCIL ACTION: Adopted as written.

POLICE INFORMATION SYSTEM USER GROUPS ADOPTED

TASK FORCE FINDINGS

Standard 2.2 is directly related to the ideas set forth in Standard 1.8 of the previous chapter. This standard emphasizes on the importance of the concept of user groups in the development and efficient operation of automated police information systems.

Aside from added emphasis, the specifics of membership to such a user group were seen as important. A good balance of perspective is needed for the police information system manager to attain maximum efficiency and use of the system.

The task force placed much emphasis upon inclusion of the field policeman, who is the primary end user, in all decisions concerning the establishment and operation of the system. Often the end user is entirely left out of the decision-making leaving the operational need perspective very much in the shadow of the technical and administrative needs of the agency.

STANDARD 2.2

EVERY AGENCY DEVELOPING OR OPERATING A COMPUTER-BASED INFORMATION SYSTEM SHOULD IMMEDIATELY ESTABLISH ADVISORY USER GROUPS CONSISTING OF FIELD POLICEMEN, POLICE MANAGERS, COMPUTER TECHNICIANS, AND HARDWARE ENGINEERS. USER GROUPS SHOULD BE CHARGED WITH THE RESPONSIBILITY FOR SYSTEM IMPLEMENTATION AND OPERATING STRATEGIES.

IMPLEMENTATION

Adoption by information system managers as standard procedure in all phases of information system development.

CROSS REFERENCE

Standards 1.8, 6.2, and 7.3 of this report and the Courts Report Standard 10.5.

COUNCIL ACTION: Adopted as written.

POLICE INFORMATION SYSTEM RESPONSE TIME (2.3)

CRITICAL INFORMATION (2-B)

ADOPTED

TASK FORCE FINDINGS

Task force members agreed that any information system to serve the police must be tailored around the needs of the officer in the field. These needs vary, as do the circumstances to which the officer may be exposed. By establishing response priorities according to user needs rather than strictly information type, the system would respond to higher-risk situations before those to which user need for information is less critical. Standard 2.3 should serve as a strict guidline in developing police information systems.

Recommendation 2-A suggests particular information types which should receive priority attention. The information system serving a police agency should be able to supply a response to any inquiry falling into these information groups as a minimum. As unique problems may be associated with a particular locality, these should be identified and included in the primary stages of information system development as well.

STANDARD 2.3

EVERY POLICE AGENCY SHOULD, BY 1977, HAVE THE CAPABILITY TO RETRIEVE STATEWIDE CRIMINAL INFORMATION. THIS INFORMATION SHOULD BE PROVIDED TO USERS IN SUFFICIENT TIME TO AFFECT THE OUTCOME OF THEIR DECISIONS. THE MAXIMUM ALLOWABLE DELAY FOR INFORMATION DELIVERY, MEASURED FROM INITIATION OF THE REQUEST TO THE DELIVERY OF A RESPONSE, VARIES ACCORDING TO USER TYPE. THE PRIMARY OBJECTIVE OF SUCH A SYSTEM IS RAPID RESPONSE TO THE INFORMATION NEEDS OF FIELD UNITS. THE GOALS OF THE DELIVERY SYSTEM SHOULD BE AS FOLLOWS:

1. FOR USERS ENGAGED IN UNPREDICTABLE FIELD ACTIVITY OF HIGH POTENTIAL DANGER (e.g., vehicle stop,) THE MAXIMUM DELAY SHOULD BE 120 SECONDS.
2. FOR USERS ENGAGED IN FIELD ACTIVITY WITHOUT DIRECT EXPOSURE TO HIGH POTENTIAL DANGER (e.g., checking parked vehicles), THE MAXIMUM DELAY SHOULD BE FIVE MINUTES.

3. FOR USERS ENGAGED IN INVESTIGATORY ACTIVITY WITHOUT PERSONAL CONTACT (e.g., developing suspect lists), THE MAXIMUM DELAY SHOULD BE EIGHT HOURS.
4. FOR USERS ENGAGED IN POSTAPPREHENSION IDENTIFICATION AND CRIMINAL HISTORY DETERMINATIONS, THE MAXIMUM DELAY SHOULD BE FOUR HOURS.

RECOMMENDATION 2-B

AGENCIES DEVELOPING OR OPERATING AN INFORMATION SYSTEM SHOULD IMMEDIATELY IDENTIFY CRITICAL INFORMATION GROUPS AND ASSIGN PRIORITIES TO THEM ACCORDING TO THE REQUIREMENTS OF THE SYSTEM USER. CRITICAL INFORMATION GROUPS SHOULD INCLUDE AT LEAST:

1. INFORMATION ON WANTED PERSONS;
2. ABSTRACT DATA ON CRIMINAL CONVICTIONS, PROBATION AND PAROLE STATUS;
3. PENITENTIARY RELEASES, AND VITAL CRIMINAL RECORD INFORMATION;
4. INFORMATION THAT FOREWARNS AN OFFICER OF PERSONS KNOWN TO HAVE BEEN ARMED, AND OTHER POTENTIAL DANGERS; AND
5. INFORMATION ON STOLEN PROPERTY AND VEHICLES.

IMPLEMENTATION

Adoption as priority considerations in basic design of a police information system.

CROSS REFERENCE

Standards 1.5, 1.6 and 3.1.

Police Report 6.1.

COUNCIL ACTION: Adopted as written.

UCR PARTICIPATION

ADOPTED

TASK FORCE FINDINGS

The Federal Bureau of Investigation's Uniform Crime Reporting (UCR) System has, since 1930, been the basic source of criminal statistics for the entire criminal justice system. What the UCR obligates the local law enforcement agency to, is the collection of the required data, processing that data and reporting it to a higher level for summation.

The task force saw this participation as the very minimum statistical reporting a police agency should engage in. Currently, in Montana, most law enforcement agencies are involved in the reporting (though some do not report, or do so irregularly) of offense data to both the FBI and the Statistical Analysis Center (SAC) of the Montana Board of Crime Control. Presently, these two reports are generally made separately though the same basic data is required by both. Montana's SAC does include in its report the number of arrests as well as offenses known to the police and the geographic location of their occurrence. The FBI publishes a yearly report whereas the SAC produces a quarterly publication.

A couple of recommendations were made through task force deliberations regarding the value of the summation reports to the contributor and simplification in the operation of the system itself. The first suggestion made is that if more frequent publications of crime statistics were done, such reports would have more meaning to the contributor due purely to their timeliness. It is the reciprocal nature of the relationship between the collecting agency and the contributor here that is the basis for successful operation of the entire system. The establishment of user groups is seen as one vehicle to aid this relationship, as well as, overall operation of the system.

The task force felt further, that emphasis be placed upon establishing a state level Uniform Crime Reporting System (see Standard 1.5, #8) that would act as a liaison between Montana Law Enforcement and the FBI. Instead of over 200 individual reports by law enforcement agencies in Montana to state and federal level crime reporting system, each agency would report once to the state agency, which in turn would make a composite report to the FBI. A state-level uniform crime reporting system would be more responsive to the particular needs in Montana by producing statistics which are more useful and relevant to daily operations.

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[1] President's Commission on Law Enforcement and the Administration of Justice, The Challange of Crime in a Free Society (Washington, D.C. Government Printing Office, 1967), pp. 286-287).

In concept, the Uniform Crime Reports have been supported by many. The President's Commission on Law Enforcement··· endorsed such a concept while suggesting further expansion of the system for the development of more sophisticated and telltale statistics (ie. victimization statistics).

The International Chiefs of Police Association, who are credited with the origination of this concept, have been deeply involved with upgrading the present UCR system through LEAA monies.[2] The establishment of audits (see standards 1.1 and 2.6) to insure the reliability of the system is a major thrust of their work.

STANDARD 2.4

EVERY POLICE AGENCY SHALL PARTICIPATE FULLY IN THE UNIFORM CRIME REPORTING PROGRAM. THIS SHOULD BE ACCOMPLISHED THROUGH THE EFFORTS OF THE INDIVIDUAL AGENCY OR THROUGH COOPERATION WITH AN APPROPRIATELY DESIGNATED STATE AGENCY. THE DESIGN AND OPERATION OF A STATE-WIDE UCR SYSTEM SHOULD MAKE FULL USE OF THE USER GROUP CONCEPT.

IMPLEMENTATION

1. Institution of a uniform crime reporting statistics system under an appropriate state agency.
2. Development of legislation outlining mandatory uniform crime reporting provisions for Montana.

CROSS REFERENCE

Standard 1.1, 1.5, 2.2, 2.5, and 2.6.

COUNCIL ACTION: Adopted as written.

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[2] See, LEAA Grants #74-SS-99-3303 February 1974 - February 1975
and #75-SS-99-6031 July 1974 - July 1975.

EXPANDED CRIME DATA

ADOPTED

TASK FORCE FINDINGS

To deal with crime effectively the nature of criminality must be known intimately. More than just a superficial recording of an event or events must be accomplished before intelligent discussion or study of the phenomenon of crime can occur. The complexities, as well as the subtleties, of crime must be dealt with to grasp the roots of the problem.

This standard is directed at a level of planning few agencies or levels of government are presently able to attain. It centers around what a true picture of crime may or may not be. The research, which would result as such a system were developed, would have great potential in the move to decrease crime.

Most of the data suggested for collection here is available at present in one form or another. The problem is one of easy retrieval. It can be noted that while computerization is brought to mind by most of the standards of this chapter, manual forms and procedures could supply the data suggested by this standard.

Generally, development of forms and procedures to supply all, part, or more than what is suggested by this standard can be accomplished through a systems analysis of the data requirements of a particular agency. This is generally done to gain efficiency and accuracy for the systems data collection and processing.

STANDARD 2.5

FOR USE AT THE LOCAL LEVEL, OR FOR STATE AND REGIONAL PLANNING AND EVALUATION, DATA COLLECTED CONCERNING AN INCIDENT REGARDED AS A CRIME SHOULD INCLUDE AS A MINIMUM:

1. INCIDENT DEFINITION, INCLUDING CRIMINAL STATUTE VIOLATED AND UCR OFFENSE CLASSIFICATION;
2. TIME, INCLUDING TIME OF DAY, DAY OF WEEK, MONTH, AND YEAR;
3. LOCATION, INCLUDING CODED GEOGRAPHICAL LOCATION AND TYPE OF LOCATION;
4. INCIDENT CHARACTERISTICS, INCLUDING TYPE OF WEAPON USED, METHOD OF ENTRY (if applicable) AND DEGREE OF INTIMIDATION OR FORCE USED;
5. INCIDENT CONSEQUENCES, INCLUDING TYPE AND VALUE OF PROPERTY STOLEN, DESTROYED, OR RECOVERED, AND PERSONAL INJURY SUFFERED;

6. OFFENDER CHARACTERISTICS (each offender), INCLUDING RELATIONSHIP TO VICTIM, AGE, RACE, SEX, RESIDENCY, PRIOR CRIMINAL RECORD, AND CRIMINAL JUSTICE STATUS (on parole, etc.)
7. TYPE OF ARREST (on view, etc,); AND
8. WITNESSES AND EVIDENCE.

THE DATA SHOULD BE OBTAINED AT LEAST FOR HOMICIDE, FORCIBLE RAPE, ROBBERY, AGGRAVATED ASSAULT, BURGLARY (both residential and commercial), LARCENY-THEFT, AND KIDNAPPING.

IMPLEMENTATION

1. Approaches to crime data and its use must be developed in accordance with individual law enforcement agency needs and capabilities.
2. Support from state level (financial and technical) for the development of such capabilities.

CROSS REFERENCE

STANDARDS 2.4, 2.6 and 2.9.

COUNCIL ACTION: Adopted as written.

QUALITY CONTROL OF CRIME DATA

ADOPTED

TASK FORCE FINDINGS

The intent of standard 2.6 is to emphasize development of procedures to insure the reliability of crime data. The approach to systems and the quality control of their products have resulted in use of such procedures as the audit. Essentially this standard further elaborates standard 1.1 (also see textual material for 1.1 and glossary for further definition of audit) within the context of the police component.

The importance of establishing such procedures for maintaining accurate, timely, and correct information can not be denied. The task force felt that the necessary emphasis should be placed on developing a system for audit parallel to the development or refinement of the information system itself. This would provide for the existence of an "audit trail," or the mechanisms within the system allowing a check as to its proper usage by the people responsible for its functioning.

Standardized, ongoing audit procedures are recognized by most authorities as the means to achieve maximum performance by a given information system. An audit performed by an outside agency was cited by the President's Commission on Law Enforcement···[1], as being the surest method to attaining this goal.

It was felt by the task force that reference to an independent audit may have less than desirable connotations, but if taken in light of what is intended by the audit, misconstruction is difficult. The audit should not be taken as having someone sort your dirty laundry, but as a diagnostic technique to be used by an administrator to pinpoint weaknesses in the operation of a given information system from a purely objective point of view.

SEARCH recommendations include emphasis upon quality control to help insure the veracity of privacy endangering inclusions in data collection.[2] Failure to include dispositions as well as time-related purging criteria are examples of typical mismanagement of information systems.

The complexities of the everyday collection of data by a police agency demand that some type of inspection and review be used to control reporting. This is exactly what is intended by the task force and advocated by this standard.

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1 Presidents Commission on Law Enforcement and Administration of Justice, Task Force Report: Science and Technology Washington, D.C., Government Printing Office 1967, p. 75.

2 Project SEARCH Technical Memorandum #3, 1971

STANDARD 2.6

EVERY POLICE AGENCY SHOULD MAKE PROVISION FOR AN INDEPENDENT AUDIT OF INCIDENT AND ARREST REPORTING. THE AUDIT SHOULD VERIFY THAT:

1. CRIME REPORTS ARE BEING GENERATED WHEN APPROPRIATE BY STANDARDS ADOPTED BY THE BOARD OR USER GROUP;
2. INCIDENTS ARE BEING CLASSIFIED; AND
3. REPORTS ARE BEING PREPARED AND SUBMITTED.

TO ESTABLISH AN "AUDIT TRAIL" AND TO PROVIDE THE BASIC DOCUMENTATION NEEDED BY MANAGEMENT, THE FOLLOWING KEY CHARACTERISTICS OR RECORDS SHOULD BE ADOPTED:

1. THE POLICE RESPONSE MADE TO EVERY CALL FOR POLICE SERVICE SHOULD BE RECORDED, REGARDLESS OF WHETHER A UNIT IS DISPATCHED. DISPATCH RECORDS SHOULD BE NUMBERED AND TIMED; IF THE SERVICE LEADS TO A COMPLAINT, THE COMPLAINT SHOULD BE REGISTERED ON A NUMBERED CRIME REPORT, AND THAT NUMBER ALSO BE SHOWN ON THE DISPATCH RECORD.
2. ALL DISPATCHES SHOULD BE RECORDED, INDICATING TIME OF DISPATCH AND ARRIVAL ON SCENE.
3. DISPATCH RECORDS SHOULD SHOW THE FIELD UNIT DISPOSITION OF THE EVENT, AND SHOULD BE NUMBERED IN SUCH A WAY AS TO LINK DISPATCHES TO ARREST REPORTS OR OTHER EVENT DISPOSITION REPORTS.
4. ALL SELF-INITIATED CALLS SHOULD BE RECORDED IN THE SAME MANNER AS CITIZEN CALLS FOR SERVICE.

IMPLEMENTATION

1. Adoption by law enforcement agency administrators.
2. Development of such procedures as an integral part of any crime reporting program at any level.
3. Technical advice and support must emanate from the appropriate state agency.

CROSS REFERENCE

Standards 1.1, 1.8, 2.4, 2.5 and 6.1.

COUNCIL ACTION: Adopted as written.

ADOPTED

TASK FORCE FINDINGS

Crime analysis is, generally, a system by which regularly collected information on reported crimes and criminal offenses may be used to enhance the overall operation of law enforcement through strategy planning, manpower deployment and investigative assistance.

Most law enforcement agencies have crime analysis capabilities at least on an informal basis. What is called for by this standard is a formalization of the process of crime analysis improving this function to the point of being a commonly relied upon tool to aid the law enforcement effort.

A one man police department (used in the NAC text, Criminal Justice System) is a perfect example of a crime analysis capability. The single man who is always on duty, answers all calls, has been involved in every activity and investigates all crimes has stored all the information necessary to conduct crime analysis.[1] In most operations clearly this simplicity is lacking and to gain true meaning, crime analysis must have a broad perspective encompassing all aspects of the law enforcement function.

The task force found that a major point in support of developing crime analysis capabilities is the increase in general operating effectiveness which can result. As noted in the Standards Relating to the Urban Police Function the American Bar Association stated:

> Within the past decade, many police agencies have established planning and research units. These units have concerned themselves primarily with the allocation of police manpower, with the streamlining of record-keeping procedures, with the reorganization of operating units, and with the preparation of plans for the handling of major events. On the whole, they have made significant contribution toward improving the operating efficiency of police agencies.[2]

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1 National Advisory Commission, on Criminal Justice Standards and Goals, Criminal Justice System (U.S. Government Printing Office, 1973) p.56.

2 American Bar Association, Standards Relating to the Urban Police Function Chicago: American Bar Association, 1972) pp. 236-8, as referred to by Ohio State University Standards and Goals Comparison Project Report -

In establishing a crime analysis capability there are many considerations.[3] However, regardless of the size of the department, it is possible and desirable to pursue such a capability which can prove invaluable to the functioning of any law enforcement agency.

STANDARD 2.7

EVERY POLICE AGENCY SHALL IMMEDIATELY ESTABLISH A RECORDS SYSTEM THAT COLLECTS CRIME DATA AND RECORDS OPERATIONAL ACTIVITIES SO CRIME CONDITIONS AND THE EFFECTS OF AGENCY OPERATIONS CAN BE SYSTEMATICALLY EVALUATED.

THE AGENCY SHOULD IMPROVE ITS CRIME ANALYSIS CAPABILITY BY UTILIZING INFORMATION PROVIDED BY ITS INFORMATION SYSTEM WITHIN THE DEPARTMENT. CRIME ANALYSIS MAY INCLUDE THE UTILIZATION OF THE FOLLOWING:

1. METHODS OF OPERATION OF INDIVIDUAL CRIMINALS;
2. PATTERN RECOGNITION;
3. FIELD INTERROGATION AND ARREST DATA;
4. CRIME REPORT DATA;
5. INCIDENT REPORT INFORMATION;
6. DISPATCH INFORMATION; AND
7. TRAFFIC REPORTS, BOTH ACCIDENTS AND CITATIONS.

THESE ELEMENTS MUST BE CAREFULLY SCREENED FOR INFORMATION THAT SHOULD BE RECORDED FOR CRIME ANALYSIS.

IMPLEMENTATION

Administrative support as well as thorough awareness of the end user.

CROSS REFERENCE

Standards 2.1, 2.8 and 2.9.
Police Report 6.3 and Community Crime Prevention (CCP) Report 2.5.

COUNCIL ACTION: Adopted as written.

MANPOWER RESOURCE ALLOCATION AND CONTROL

ADOPTED

TASK FORCE FINDINGS

Standard 2.8 follows Standard 2.7 in the assumption that an efficient data storage and retrieval system is available and in use. From that point the standard approaches the problem of distributing police service of various types to a given area within the limits of time.

Two types of distribution are outlined by this standard (as defined in NAC, Criminal Justice System p.57). The first is allocation of manpower. This refers to effort directed at large areas (beats or patrols) and blocks of time (i.e. shift duration). The reaction here is primarily to concluded events. The second, manpower control, is oriented to the detailed actions of individual officers as related to individual locations at specific times. The impetus here is toward crime prevention and apprehension of criminals during a particular criminal act.

As with Standard 2.7, the task force saw Standard 2.8 as another means to enable law enforcement to maintain the flexibility needed to react to a living social structure with its complex and continual fluctuation. Self analysis and the ability to demonstrate accountability for decisions are also directly related to the process advanced by this standard.

STANDARD 2.8

EVERY POLICE AGENCY SHOULD DEVELOP A MANPOWER RESOURCE ALLOCATION AND CONTROL SYSTEM THAT WILL SUPPORT MAJOR EFFORTS TO:

1. IDENTIFY THROUGH EMPIRICAL MEANS THE NEED FOR MANPOWER WITHIN THE DEPARTMENT;
2. PROVIDE PLANNING FOR MAXIMUM UTILIZATION OF AVAILABLE RESOURCES;
3. PROVIDE INFORMATION FOR THE ALLOCATION AND INSTRUCTION OF PATROL OFFICERS AND SPECIALIST OFFICERS; AND
4. PROVIDE FOR THE EVALUATION OF THE SYSTEM.

IMPLEMENTATION

1. Adoption by law enforcement administration as an application of an efficiently operating information system.

CROSS REFERENCE

Standard 2.1, 2.5, 2.7, and 2.9. Police report 6.2 and 6-A.

COUNCIL ACTION: Adopted as written.

GEOCODING

ADOPTED

TASK FORCE FINDINGS

The use of geocoding is aimed at pinpointing geographically the incidence of crime. The detail that is called for by this standard is seen primarily as an aid to the allocation of a patrol force. As yet another facet of law enforcement self-evaluation, with the use of crime analysis, manpower distribution and crime trend prediction, the concept advanced by this standard is considered to be potentially high in value. The application of this standard in Montana will most likely be found to be limited at present to the larger population centers of the state. Rural applications can be expected to develop as systems of identifying these areas (currently under study) become more reliable.

STANDARD 2.9

WHERE PRACTICAL, POLICE SHOULD ESTABLISH A GEOGRAPHICAL CODING SYSTEM THAT ALLOWS ADDRESSES TO BE LOCATED ON A COORDINATE SYSTEM AS A BASIS FOR COLLECTING CRIME INCIDENCE STATISTICS BY BEAT, DISTRICT, CENSUS TRACT, AND BY OTHER "ZONING" SYSTEMS SUCH AS SCHOOLS, PLANNING ZONES, AND ZIP CODES.

IMPLEMENTATION

1. Development by police administrators and planners as a facet of total information systems for police.

CROSS REFERENCE

Standards 2.1, 2.5 and 2.7.
Police Report 6.2 and 6.3.
CCP Report 2.5.

COUNCIL ACTION: Adopted as written.

POLICE REPORTING

ADOPTED

TASK FORCE FINDINGS

Because of the dynamic nature of crime, law enforcement has come to the realization that its capabilities to record and communicate data regarding crime must exist to serve crossjurisdictional, multilevel needs. To deal with the speed and ease with which criminals and stolen property move across jurisdictional boundaries, the information systems serving police must be able to deliver timely and accurate information regarding them.

Many areas in Montana have already identified the need, county-wide or regionally, to consolidate their tactical information capabilities. This has been done, and is in several cases being considered, in an effort to increase the efficiency of delivery systems while decreasing duplicative effort. This standard suggests an attempt to establish and participate in a state-wide capability of supplying the information described. Presently the capability of the Montana Department of Justice does not include the collection and availability of all the items listed, though plans for the future do include all of them. The requirements under #2 of the standard comply with and strengthen current pursuits of the Identification Bureau of the Montana Department of Justice.

STANDARD 2.10

1. MONTANA SHALL, BY 1977, REQUIRE EVERY POLICE AGENCY TO REPORT TO THE STATE IDENTIFICATION BUREAU INFORMATION NECESSARY FOR;
   a. THE IDENTIFICATION OF PERSONS CONSIDERED ARMED AND DANGEROUS, OR KNOWN TO HAVE RESISTED ARREST;
   b. THE IDENTIFICATION OF UNRECOVERED STOLEN VEHICLES;
   c. THE IDENTIFICATION OF VEHICLES WANTED IN CONNECTION WITH THE INVESTIGATION OF FELONIES OR SERIOUS MISDEMEANORS;
   d. THE IDENTIFICATION OF UNRECOVERED STOLEN VEHICLE IDENTIFICATION NUMBER (VIN) PLATES AND SERIALLY IDENTIFIED ENGINES AND TRANSMISSIONS;
   e. THE IDENTIFICATION OF UNRECOVERED STOLEN OR MISSING LICENSE PLATES;
   f. IDENTIFICATION OF SERIALLY-NUMBERED STOLEN OR LOST WEAPONS; AND
   g. THE IDENTIFICATION OF SERIALLY-NUMBERED STOLEN PROPERTY ITEMS.

2. MONTANA SHALL REQUIRE EVERY POLICE AGENCY WITHIN THE STATE TO CONTRIBUTE TO, AND MAINTAIN ACCESS TO, A CRIMINAL IDENTIFICATION FILE MAINTAINED BY STATE IDENTIFICATION BUREAU. IDENTIFICATION FILES SHOULD CONTAIN FINGERPRINT CARD, STATE AND FEDERAL INDIVIDUAL RECORD SHEETS, AN ACCURATE AND UP-TO-DATE ARREST DISPOSITION RECORD, PHOTOGRAPHS, AND REQUESTS FROM OTHER AGENCIES FOR NOTIFICATION OF ARREST.

IMPLEMENTATION

Legislative action is called for by the task force.

CROSS REFERENCE

Standards 2.1, 2.3, 2.7, 2-B, and Chapter 5.

COUNCIL ACTION: Adopted as written.

ARREST WARRANTS

ADOPTED

TASK FORCE FINDINGS

This standard addresses problems with arrest warrants that have plagued the criminal justice system throughout the United States. Montana is no exception and many actual cases were cited during task force deliberations demonstrating the problematic nature of the arrest warrant in this state. A major part of the problem is a lack of uniformity in arrest warrant information. Often, arrest warrants do not contain sufficient identifying data to give an arresting agency conclusive facts regarding the individual named in a warrant. This can result in much doubt and the possibility of error in arrest.

The timeliness of a particular warrant may allow a person to be arrested in response to that warrant which was recalled by the agency originating the warrant. The result being an unnecessary arrest consuming the time of the responding agency and inconvenience to a citizen.

The individual law enforcement agency must provide the necessary information for identification of persons named in arrest warrants, while the courts must insure such warrants include this information. Further, a system must be provided to local agencies allowing for updating the status of arrest warrants eminating from a locality.

STANDARD 2.11

MONTANA SHALL, BY 1977, ENACT LEGISLATION REQUIRING THAT, AT THE TIME ARREST WARRANTS ARE ISSUED OR RECALLED, NOTIFICATION BE MADE TO THE STATE IDENTIFICATION BUREAU OR OTHER DESIGNATED STATE AGENCY BY THE COURT THAT ISSUES SUCH WARRANTS. EVERY POLICE AGENCY SHOULD INSURE THAT, WHEN IT CONTACTS OR ARRESTS AN INDIVIDUAL NAMED IN WANT OR WARRANT INFORMATION GENERATED BY ANY CRIMINAL JUSTICE AGENCY IT NOTIFIES THAT AGENCY OF THE CONTACT OR ARREST WITHIN A REASONABLE TIME. TO INSURE THAT THE RIGHT PERSON IS ARRESTED, POLICE AGENCIES SHOULD PROVIDE SUFFICIENT IDENTIFYING DATA TO COURTS ISSUING WARRANTS. THIS DATA SHOULD INCLUDE, AT LEAST, THE OFFENDER'S

a. NAME;
b. RESIDENCE ADDRESS;
c. SEX;
d. COLOR OF HAIR AND EYES;
e. HEIGHT AND WEIGHT;
f. DATE OF BIRTH; AND
g. SOCIAL SECURITY NUMBER, WHEN PROVIDED.

IMPLEMENTATION

1. Legislative action is called for by the task force.
2. Consideration for the thrust of this standard must be included in the development of criminal justice information systems in general.
3. Adoption by law enforcement and court administrators.

CROSS REFERENCE

Standards 1.1, 1.5, 1.6, 2.1, 2.10 and Recommendation 2-B.
Courts Report 11.6.

COUNCIL ACTION: Adopted as written.

POLICE TELECOMMUNICATIONS

ADOPTED

TASK FORCE FINDINGS

The importance of communication between criminal justice information systems of all levels is undisputed. The speed with which information can be retrieved, as well as the accuracy and comprehensive nature of the information available from such sources as the National Crime Information Center, (NCIC) lend a great deal to the overall efficiency of the agency and safety of the field officer. To make optimal use of all information available to law enforcement this is a necessity.

In many cases, local law enforcement agencies will find providing direct access to all informational levels far too expensive. In such cases, regional (or at least city/county) cooperation may be an answer in maintaining the immediate access required. As development of sophisticated methods of information storage and retrieval continues at state and local levels, even the smallest department should take advantage of the services offered by such systems. This should be able to be accomplished through radio or telephone access to the office of the nearest larger agency with terminal access to such a system. In the coordination of the development of information systems, this must receive high priority attention.

STANDARD 2.12

EVERY AGENCY SHOULD COORDINATE ITS INFORMATION SYSTEM WITH THOSE OF OTHER LOCAL, REGIONAL, STATE, AND FEDERAL LAW ENFORCEMENT AGENCIES TO FACILITATE THE EXCHANGE OF INFORMATION.

1. EVERY POLICE AGENCY SHOULD DEVELOP AND MAINTAIN IMMEDIATE ACCESS TO EXISTING LOCAL, STATE, AND FEDERAL LAW ENFORCEMENT TELECOMMUNICATIONS NETWORKS.
2. EVERY AGENCY OPERATING A FULL-TIME COMMUNICATIONS CENTER SHOULD INSTALL A BASIC TELECOMMUNICATIONS TERMINAL CAPABLE OF TRANSMITTING TO AND RECEIVING FROM ESTABLISHED NATIONAL, STATE AND LOCAL CRIMINAL JUSTICE INFORMATION SYSTEMS. THE TELECOMMUNICATIONS NETWORK SHOULD PROVIDE NETWORK SWITCHING COMPATIBLE WITH COMPUTER-BASED INFORMATION SYSTEMS.

IMPLEMENTATION

Financial and technical assistance by state and local government in coordinating the communications network needed to facilitate wide use of available information systems by all law enforcement in Montana.

Cross Reference

Standard 1.1, 1.5, 1.6, 1.7, 2.1 and 2.3.
Police Report 6.1 and CCP Report 2.3.

COUNCIL ACTION: Adopted as written.

COURT

INFORMATION SYSTEMS

CHAPTER 3

COURT INFORMATION SYSTEMS

Montana's territorial courts faced many handicaps. Lack of funds and facilities prohibited publishing new laws until well over a year after the legislature adjourned. The long distances between county seats, and the horse as the only mode of travel, meant that judges, lawyers, jurors, witnesses and litigants faced severe obstacles; the costs of the judicial process were extremely high.[1]

Today, uniform data regarding the operation of Montana's courts is a contemporary handicap. The need for better information systems to serve courts has been demonstrated and called for by recent studies. In a report to the Supreme Court of Montana, The Montana Justice System Survey and Analysis, a major conclusion was reached regarding information systems for the courts;

> ...if the people of Montana wish an accurate picture of their courts and a way of planning improvements it will be necessary to have a way of obtaining accurate information which does not vary from court to court. Once a good uniform system is devised, it will have wide application and use. Such a system also makes possible accurate annual reports regarding court operation. Therefore, a special project to review and evaluate the district court and information retrieval system should be conducted.[2]

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[1] Hamilton, James, McClellan, History of Montana (Binfords and Mort Publishing Co., Portland, 1970). p. 326

[2] Montana Supreme Court Justice System Survey, The Montana Justice System Survey and Analysis, (E.L. Anzjon and J. W. Zion, LEAA subgrant #2-6283, July, 1974) p. 37.

A special report to the Montana Legislative Subcommittee on the Judiciary stated further;

> Implementation by the legislature, the Supreme Court, or some other authority of a uniform court reporting system should be considered.[3]

and;

> The collection of data by a court administration would have been invaluable to the legislature in the past. The existance of a sound statistical base would have aided the present subcommittee on judiciary immeasurably. The development of judicial data for the future is vital.[4]

Montana's courts are not, at present, faced with the problems of an overburdened process confronting many of the larger states. Though the workload is somewhat heavy, our courts have been able to manage the swelling number of cases created by more appeals and an increasingly active contemporary law enforcement. As a result, in Montana, the congestion and delay found in many areas of the nation are not a reality. These trends in other states must be considered, however, as having some merit in predicting potential workload problems for Montana's courts in the future.

The informational needs of Montana's courts fall under two categories regarding the functioning of the court system in general. The first relates to information which supports decisions made in specific cases. The types of information

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[3] The Legislative Council Staff, Dick Hargesheimer, MONTANA'S JUDICIAL DISTRICTS: A Preliminary Report (Montana Legislative Council July 1975) p.26.

[4] The Legislative Council Staff, Dick Hargesheimer, Judicial Districts, Alternative Recommendations··· p. 48.

needed here include defendant data, as well as case-handling data. The second is general management and administrative data regarding the flow of cases processed through the courts. Information systems to serve the courts should be able to provide the data needed to perform these major functions in support of the judiciary.

An information system to serve the courts is not able to exist independently from the balance of the criminal justice system needs. For example, much dependence is placed upon the other facets of the criminal justice system in gathering criminal history data about an individual offender. It is through the jurisdictional roles described in Chapter 1, that this vital information exchange can occur between the various components of our criminal justice system. This would furnish the courts with some management data, as well as pertinent offender data, which if not supplied through interrelationships with other systems, would have to be obtained directly by the systems serving the court.

The 1972 Constitution of Montana describes Judicial Power (the power of a court to decide and pronounce a judgement and carry it into effect between persons and parties who bring a case before it for decision) as being vested in, "... the senate sitting as a court of impeachment, the supreme court, district courts, justices of the peace and other inferior courts as the legislative assembly may

establish in any incorporated city or town".[5]

The standards which follow recommend several areas of direction for information systems development for the judiciary. An additional area this chapter concerns itself with is that of the prosecutor. As an officer of the court, the prosecutor has a great deal of effect upon case management as well as the administration of justice in general. Thus, some of the standards included, which address the prosecutor, are seen as court-related as well as very important to the prosecution function.

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[5] 1972 Constitution of Montana, Article VII Section 1.

ADOPTED

TASK FORCE FINDINGS

The diversity of cases brought before the courts demand that a judge have available information describing the unique facets of any particular case. Obtaining the necessary distinguishing data enables a judge to apply the individual attention and fairness allowed by the use of verifiable, timely and accurate data regarding each case he is to try.

The information relating directly to the defendant may include such things as family status, employment, education and residence, which could be used to make in the normal deliberations of the court. The data which may pertain to the specific case can include case progress to date, numbers of continuances and reasons, and attorneys involved as well as any other individuals important to the status of the case.

The importance of the availability of police and corrections data for use by the courts is basic to the concept advanced by this standard. Also, the nature of the data used by the courts in pretrial determination may be of use later as sentencing decisions are made. Duplicative effort can be avoided in noting this.

Many sources of support for this standard and the implications for a coordinated criminal justice effort exist. For example, the President's Commission on Law Enforcement and Administration of Justice (Task Force Report: The Courts), emphasized just such a coordinated approach to supplying the information needed by the courts.[1] The American Law Institute and American Bar Association suggest coordinated efforts by the criminal justice system to aid decisionmaking by the courts.[2]

STANDARD 3.1

A COURT INFORMATION SYSTEM SHOULD PROVIDE INFORMATION UNIQUE TO THE DEFENDANT AND THE CASE BASED ON THE FOLLOWING TYPES OF JUDICIAL DECISIONMAKING; APPOINTING COUNSEL, SETTING BAIL OR RELEASING A DEFENDANT ON HIS OWN RECOGNIZANCE, SENTENCING AND APPELLATE REVIEW.

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[1] President's Commission on Law Enforcement and Administration of Justice, Task Force Report; The Courts (Washington, DC: Government Printing Office, 1967), pp. 41-2.

[2] See, Ohio State University, Standards and Goals Comparison Project Volume II-Criminal Justice System, program for the study of crime and delinquency March 31, 1974 pp. 32-33.

IMPLEMENTATION

1. Development of information systems for use by individual courts at all levels providing the services outlined.
2. Legislative support required.

CROSS REFERENCE

Standards 1.7, 2.1, 2.5, 3.1, 3.3, 3.4 and Chapter 5.
Police Report 9-B and 9-G.
Courts Report 3.3, 4.2, 4.4, 4.11, 13.2, Chapter 5, 6.5, 6.8 and 6-A.
Corrections Report 3.1, 3.2, 5.1, 5.2, 5.3, 5.9, and 5.12.

COUNCIL ACTION: Adopted as written.

CALENDAR MANAGEMENT IN THE COURTS (3.2)

PRETRIAL OFFENDER STATUS (3.3)

ADOPTED

TASK FORCE FINDINGS

Efficient calendar management by the courts requires that certain considerations be made concerning the manner in which cases pending are scheduled for disposition. Variables presenting potential conflict and delay are considered to attain an orderly, expeditious flow of cases through the court.

The volume of cases in most of Montana's courts is manageable, but with higher volume, urban-oriented courts will find the use of this type of data valuable in managing caseflow.

Support of this standard can be found within SEARCH's Technical Memorandum #11 which goes into great detail also regarding the management of caseflow. The memorandum emphasized the value of statistics generated from such data. These statistics can be valuable in reflecting the health of a court system.[1] This particular aspect of case flow information was also noted as important by the President's Commission on Law Enforcement and the Administration of Justice in the self-assessment of established procedure against proposed policy or procedure change.

Standard 3.3 addresses a particular problem very positively. In addition to supporting Standard 3.2, Standard 3.3 is directed at the circumstance arising from a lack of effective lines of communication and a lack of uniform, systematic reminders of the status of all defendants awaiting trial. This standard is to insure cases pending do not get "lost" and become excessively delayed and that corrective measures may be applied where needed. Such operation is seen as basic to the insurance of a speedy trial to the individual defendant and to help establish more public confidence in the judicial process. The appropriate agencies specified in Standard 3.3 may include police agencies, lower courts or any facet of the criminal justice system responsible for any aspect of pretrial release or detention.

STANDARD 3.2

CRIMINAL COURTS SHOULD BE PROVIDED WITH SUFFICIENT INFORMATION ON CASE FLOW TO PERMIT EFFICIENT CALENDAR MANAGEMENT.

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[1] SEARCH Group Inc., Technical Memorandum No. 11, (SEARCH Group Inc. June 1975) p. 71-73.

BASIC DATA TO SUPPORT THIS ACTIVITY INCLUDE THE FOLLOWING:

1. PERIODIC DISPOSITION RATES BY PROCEEDING; THESE STATISTICS CAN BE USED TO FORMULATE AND ADJUST CALENDAR CASELOAD LIMITS;
2. AN ATTORNEY AND POLICE WITNESS SCHEDULE WHICH CAN BE USED TO MINIMIZE SCHEDULING CONFLICTS;
3. RANGE OF TIME WHICH PROCEEDINGS CONSUME;
4. AN AGE INDEX OF ALL CASES IN PRETRIAL OR AWAITING TRIAL (by type of trial requested) TO DETERMINE IF SPECIAL ATTENTION IS REQUIRED OR THE SPEEDY TRIAL RULE ENDANGERED;
5. AN INDEX RELATING SCHEDULED CASES TO WHETHER THE DEFENDANT IS CONFINED, RELEASED, REARRESTED, AT LARGE, OR UNDERGOING ADJUDICATION ON A SEPARATE OFFENSE;
6. AN INDEX OF DEFENDANTS WHOSE EXISTING PROBATION OR PAROLE STATUS MAY BE AFFECTED BY THE OUTCOME OF CURRENT COURT ACTION.

STANDARD 3.3

THE VARIOUS DISTRICT COURTS OF MONTANA SHALL BE PROVIDED WITH THE FOLLOWING OFFENDER STATUS INFORMATION;

1. A RECAPITULATION OF OFFENDERS BOOKED IN JAIL BUT NOT RELEASED.
2. A SUMMARY OF THOSE OFFENDERS CHARGED IN LOWER COURTS AND RELEASED ON BOND.

THIS INFORMATION SHALL BE PROVIDED BY THE APPROPRIATE AGENCY ON A REGULAR AND TIMELY BASIS. THE RESPECTIVE DISTRICT COURT SHALL DETERMINE, BY COURT RULE, THE FREQUENCY AND CONTENT OF THE REPORT.

IMPLEMENTATION

1. Adoption by the judicial system as policy.
2. Uniform methods must be adopted by Montana's Courts allowing for generation of status reports and meaningful statistics.

CROSS REFERENCE

Standard 3.1 and 3.4.
Courts Report 4.1, 4.4, 9.1 and 10.3.
Corrections Report 4.2, 4.5, 8.3, 4-A and 4-C.

COUNCIL ACTION: Adopted as written.

COURT MANAGEMENT DATA

ADOPTED

TASK FORCE FINDINGS

This standard points up the particular statistical demands of effective court administration. The standard calls for a uniform statewide court reporting system which can readily supply all the statistical data listed. To plan for use of money, manpower and materials on daily, weekly, monthly and yearly bases, the courts must be able to make use of current information.

Another aspect of the management data, as called for here, is the ability of the court system to evaluate its organization and procedures. As efficient calendar management can give the individual court indications for future court improvement, the management data called for here could allow a comprehensive look at the total operation of the entire court component.

Accountability for the actions of all public officials to the citizen is the essence of democracy. The entire criminal justice spectrum is justifiably included in this demand. The task force felt the statistics called for here not only aid in self evaluation, but also in the demonstration of public accountability for administrative decisions. The use of such data will serve to demonstrate the justification for new policies and evaluation of the results of such policy changes.

Support for collection, analysis, and use of the data suggested in this standard can be found in SEARCH's Technical Memorandum No. 11, which places great emphasis upon obtaining the evaluation of the organization, practices, procedures and policies through the use of such data by the appropriate administrators.[1] In Montana, the Supreme Court (which has supervisory control over all other courts) received recommendations to pursue the development of a system capable of delivering the needed data for evaluation of the system in a uniform understandable manner.[2] The Legislative Council more recently suggested to the Montana Legislative Judicial Subcommittee similar efforts be made in the area of information systems to aid the administration of courts.[3]

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1 SEARCH Group Inc., Technical Memorandum No. 11: SJIS State Judicial Information Systems-State of the Art (SEARCH Group Inc., June 1975 p. 71-73.

2 Montana Supreme Court Justice System Survey, The Montana Justice System Survey and Analysis, (E.L. Anzjon and J.W. Zion, LEAA subgrant #2-6283, July, 1974) p. 37.

3 The Montana Legislative Council Staff, Dick Hargesheimer, MONTANA'S JUDICIAL DISTRICT A Preliminary Report (Montana Legislative Council July 1975) p. 26. See also, The Legislative Council Staff, Dick Hargesheimer, Judicial Districts, Alternative Recommendations··· p. 48.

STANDARD 3.4

FOR EFFECTIVE COURT ADMINISTRATION, CRIMINAL COURTS MUST HAVE THE CAPABILITY TO DETERMINE MONTHLY CASE FLOW AND JUDICIAL PERSONNEL WORK-LOAD PATTERNS. THIS CAPABILITY REQUIRES THE FOLLOWING STATISTICAL DATA FOR BOTH MIS-DEMEANORS AND FELONIES:

1. FILING AND DISPOSITION -- NUMBER OF CASES FILED AND THE NUMBER OF DEFENDANTS DIS-POSED OF BY OFFENSE CATEGORIES;
2. MONTHLY BACKLOG -- CASES IN PRETRAIL OR PRELIMINARY HEARING STAGE; CASES SCHE-DULED FOR TRIAL (by type of trial) OR PRELIMINARY HEARING; AND CASES SCHEDULED FOR SENTENCING, WITH DELAY SINCE PREVIOUS STEP IN ADJUDICATION;
3. STATUS OF CASES ON PRETRIAL, SETTLEMENT, OR TRIAL CALENDARS -- NUMBER AND PERCENT OF CASES SENT TO JUDGES; CONTINUED (listed by reason and source), SETTLED, PLACED OFF-CALENDAR; BENCH WARRANTS; TERMINATED BY TRIAL (according to type of trial);
4. TIME PERIODS BETWEEN MAJOR STEPS IN ADJUDI-CATION, INCLUDING LENGTH OF TRIAL PROCEEDINGS BY TYPE OF TRIAL;
5. JUDGES' WORKLOAD -- NUMBER OF CASES DIS-POSED OF BY TYPE OF DISPOSITION AND NUMBER OF CASES HEARD PER JUDGE BY TYPE OF PROCEEDING OR CALENDAR;
6. PROSECUTOR/DEFENSE COUNSEL WORKLOAD -- NUMBER OF CASES DISPOSED OF BY TYPE OF DISPOSITION AND TYPE OF PROCEEDING OR CALENDAR ACCORDING TO PROSECUTOR, APPOINTED DEFENSE COUNSEL, OR PRIVATE DEFENSE COUNSEL REPRESENTATION;
7. JURY UTILIZATION-NUMBER OF INDIVIDUALS CALLED, PLACED ON PANELS, EXCUSED, AND SEATED ON CRIMINAL OR CIVIL JURIES;
8. NUMBER OF DEFENDANTS ADMITTED TO BAIL, RELEASED ON THEIR OWN RECOGNIZANCE, OR RETAINED IN CUS-TODY, LISTED BY MOST SERIOUS OFFENSE CHARGED;
9. NUMBER OF WITNESSES CALLED AT HEARINGS ON SERIOUS FELONIES, OTHER FELONIES, AND MISDEMEANORS; AND
10. COURTROOM UTILIZATION RECORD.

IMPLEMENTATION

1. Initiation of effort by the Montana Supreme Court toward the development of information systems.
2. Legislative support as needed.

CROSS REFERENCES

Standards 1.3, 1.5, 1.6, 1.7, 3.1, 3.2 and 3.3.
Courts Report 4.1 and Chapter 9. Corrections Report 4.5.

COUNCIL ACTION: Adopted as written.

CASE MANAGEMENT FOR PROSECUTORS (3.5) ADOPTED

FILING PROCEDURES AND STATISTICAL SYSTEMS (3-A)

TASK FORCE FINDINGS

Prosecutors at all levels of government, by initiating or dismissing cases, control the flow of cases through the courts and the administration of justice in general. The prosecutor is considered legal advisor to government officials of the same jurisdicational level, including police and courts, and is often consulted as such. The determination and decision to charge a criminal act, the allocation of resources to process cases from intake to disposition, and planning for future workload trends are three functions calling for an efficient means of case management.

The prosecutor must be aware of the current status (including disposition) of individual cases, particular groups of cases and the total caseload in general. Though much of the processing of cases depends largely upon the court, the prosecutor does control a considerable number of resources available to the court and is in a position to drastically effect the efficiency of the movement of cases.

The decision to file and the determination of criminal charges in a particular case depends largely on the prosecutor. The discretionary nature of such decisions and the manner in which they can severely effect the entire nature of crime in a community calls for some attention to the prosecution function. Accountability of the criminal justice components (police, courts and corrections) to one another, as well as to the public, demands analysis of the decisionmaking by all criminal justice agencies; so it should be with the prosecution function. Information systems should assist the decision making of the prosecutor.

The planning capability of the prosecutor is greatly enhanced by a reliable system of data retrieval that will generate statistics showing trends for the future or the results of changes in operating policy. The operational and administrative aspects of the prosecution may be evaluated and planned for in terms of such things as resource allocation, and areas of criminal law deserving more emphasis or the modification of policy where indicated.

Support for the development of an information system to serve the prosecutor is found in a study by the National District Attorneys Association which highly recommends the

establishment of case management systems to aid in the overall function of the prosecutor.[1]

Recommendation 3-A (below) is intended to give the prosecutor a means to judge the efficiency of his file retrieval system. The task force agreed that evaluation of the operation of the information system as well as the performance of his office is extremely necessary.

STANDARD 3.5

FOR THE PURPOSE OF CASE MANAGEMENT, PROSECUTORS SHOULD HAVE DATA AND STATISTICS TO SUPPORT CHARGE DETERMINATION AND CASE HANDLING. THIS CAPABILITY SHALL INCLUDE, AS APPROPRIATE, THE FOLLOWING:

1. A MEANS OF WEIGHTING CASES ACCORDING TO PROSECUTION PRIORITY, POLICY, AND THE PROBABILITY OF SUCCESS;
2. CASE WORKLOADS AND DISPOSITIONS;
3. CASE SCHEDULE INDEX LISTING POLICE WITNESSES, EXPERT WITNESSES, DEFENSE COUNSEL, ASSIGNED PROSECUTOR, AND TYPE OF HEARING;
4. LEGAL CRITERIA FOR APPRAISING INVESTIGATION AND ARREST PROCEDURE TO ENABLE BOTH LAW ENFORCEMENT AND THE PROSECUTOR TO CLEARLY DEMONSTRATE THE BASIS FOR PROCEEDING WITH OR DISMISSING AN INDIVIDUAL PROSECUTION.

RECOMMENDATION 3-A

THE PROSECUTOR'S OFFICE SHOULD HAVE A FILE CONTROL SYSTEM CAPABLE OF LOCATING ANY ACTIVE CASE FILE IN NOT MORE THAN FIVE MINUTES; ANY INACTIVE CASE FILE WITHIN A REASONABLE TIME PERIOD; AND A STATISTICAL SYSTEM, EITHER AUTOMATED OR MANUAL, SUFFICIENT TO PERMIT THE PROSECUTOR TO EVALUATE AND MONITOR THE PERFORMANCE OF THE OFFICE.

IMPLEMENTATION

The Montana Supreme Court through its rule making authority should adopt this standard and recommendation as policy for the prosecutor's informational needs.

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[1] National Center for Prosecution Management, Managing Case Files in the Prosecutor's Office (National District Attorney's Association, Oct. 1973) pp. 46-47 also see, The Prosecutors Screening Function-Case Evaluation and Control (National District Attorney's Association, Oct. 1973) p. 46.

CROSS REFERENCE

Standards 1.1 and 3.1. Police Report 9-F.
Corrections Report 4-A and Courts Report 12.1, 12.2 and 11.8.

COUNCIL ACTION: Adopted as written.

PROSECUTOR INFORMATION SYSTEM

ADOPTED

TASK FORCE FINDINGS

Standard 3.6 calls for the establishment of a statewide prosecutor information system as a necessary part of the criminal justice system. Such a system requires a uniform method of reporting for prosecutors in Montana. At present, there are no real figures regarding types and numbers of cases presented to prosecutors and the respective action taken in those cases. The uniform reporting system would provide a link between the offenses known to the police and the disposition statistics provided by the courts.

This is a necessity as national averages indicate that 30% of the cases formally entered into the criminal justice process are disposed of at the prosecution level.[1] Thus, knowledge regarding the dispositions that occur at the prosecution stage is required to obtain a true picture of the total operation of the criminal justice system.

Reporting by the various prosecutors is a necessity to the development of a total criminal justice information system. Overall prosecution policy in the state would be demonstrated, as well as allowing individual prosecutors to discover and assess problems unique to a given locality or policy. The Offender Based Transaction Statistics System (which is discussed in chapter five of this report) is heavily dependant upon such reporting to generate meaningful statistics. The task force further emphasized the need to simplify the mechanics of such reporting.

STANDARD 3.6

MONTANA SHOULD ESTABLISH A STATEWIDE PROSECUTORS' INFORMATION SYSTEM WHICH SHALL BE A PART OF THE MONTANA CRIMINAL JUSTICE INFORMATION SYSTEM. AS A PART OF THIS SYSTEM, ALL PROSECUTORS SHALL REPORT TO THE MONTANA DEPARTMENT OF JUSTICE THE CASES PRESENTED TO THEM BY LAW ENFORCEMENT AND THE RESPECTIVE DISPOSITIONS.

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[1] Dr. J. Roth - Institute of Law and Social Research, Washington, D.C. - "An Overview of State-Level OBTS Development" (presented at a meeting of the Criminal Justice Statistics Association, Sante Fe, New Mexico, August 27, 1975).

IMPLEMENTATION

Establishment of a reporting system to generate such statistics as implied be established within the Montana Department of Justice.

CROSS REFERENCE

Standard 1.1, 1.5, 1.6, 1.7, 3.5, 5.1, 5.2, and 5.3. Courts Report 12,1 and 11.4 See also Revised Codes of Montana, 82-401-5.

COUNCIL ACTION: Adopted as written.

STANDARD 3.7
RECOMMENDATION 3-B

ADOPTED

AUTOMATED LEGAL RESEARCH (3.7)

INSTRUCTION IN AUTOMATED LEGAL RESEARCH SYSTEMS (3-B)

TASK FORCE FINDINGS

The potential value of automated legal research capabilities to judges, prosecutors and defense attorneys can be great in terms of the quality of justice delivered by our legal system. What is granted the legal researcher is access to extremely valuable large law libraries within the walls of a small, even remote, office. This type system of data storage and retrieval affords even a rural area, or any area with limited legal research capabilities, all the benefits of a large legal library and staff. The researcher who does have access to a larger library will find savings in the time involved physically searching the volumes he has available.

The justification for the expense of such a system in Montana is something to be determined through study. Many states are presently engaged in such pursuits -- some rather successfully. This standard calls for study to determine the extent and feasibility of such a system for Montana.

Montana presently has available a limited automated legal-research system containing the state constitution and statutes. The Montana Department of Justice has a limited manual system consisting of an indexed bank of criminal case briefs of the attorney general and county attorneys. The University of Montana School of Law is arranging for the installation of a terminal for access to the Statutory Information Retrieval System in Helena. The school operates a limited research service available to members of the practicing bar upon payment of a fee for student time. A legal information center with full automated research resources is one possible expansion of basic legal research. Such a center could serve, without charge, the legal research needs of judges, prosecutors, and defenders and the educational needs of students.

Recommendation 3-B calls for the familiarization of law students with the range of possibilities available with automation in criminal justice. Exposure to this aspect of modern technology is uncommon to the backgrounds of most persons entering the legal profession; as a result, acceptance of, and optimal application of such technology is difficult. If standard 3.7 were to be adopted, an intimate knowledge and use of the automated legal research system would be a necessary part of a legal education. As court information systems become automated, familiarization with these systems and the analysis capabilities afforded by them should be included as well.

STANDARD 3.7

AUTOMATED LEGAL RESEARCH SERVICES SHOULD BE MADE AVAILABLE TO JUDGES, PROSECUTORS, AND DEFENSE ATTORNEYS IN THOSE JURISDICTIONS WHERE AVAILABLE.

RECOMMENDATION 3-B

AS PART OF THEIR LEGAL EDUCATION, LAW STUDENTS SHOULD BE TAUGHT THE PROPER USE OF AUTOMATED LEGAL RESEARCH SYSTEMS. THEY ALSO SHOULD BE MADE AWARE OF THE RANGE OF POSSIBILITIES OF COMPUTERS IN COURT USAGE.

IMPLEMENTATION

1. The initiative must be taken by the Department of Justice and the Supreme Court to determine the feasibility of, and develop such capabilities.
2. Incorporate into the Montana Law School the appropriate courses of study necessary to recommendation 3-B.
3. Establishment of a legal information center to serve the legal research needs of judges, prosecutors, and and defenders and the practical educational needs of students in research and management information systems would serve the ends of this standard and recommendation.

CROSS REFERENCES

Standard 3.1, 3.4 and 3.6.
Courts Report 15.2 and 12.2.

COUNCIL ACTION: Adopted as written.

CORRECTIONS

INFORMATION SYSTEMS

CHAPTER 4

CORRECTIONS INFORMATION SYSTEMS

Montana's corrections system does not have the capability to obtain all the information necessary to support many of its functions. The information required by state corrections professionals is often either nonexistent or contained in a myriad of unmanageable files and records.

For the purposes of this report, corrections in Montana consists of all programs dealing with the supervision of offenders from pretrial and posttrial detention to institutional supervision, parole and probation. The responsibilities for these programs lie with state and local agencies.

The formation of a Corrections Division under the Department of Institutions has placed administrative authority for all corrections programs in Montana under one division, with the exception of juvenile probation and local jail facilities. This division is a natural place for development of information systems to occur.

The task force takes the position that particular problems relating to juvenile corrections would not be directly considered in this report. Many of the standards of this chapter apply to the establishment of information systems for juvenile corrections, but specific problems and special needs were not addressed at this time, because various national

studies (i.e. The Institute for Judicial Administration, the American Bar Association, the President's Advisory Group and the National Advisory Committee) currently developing standards for juvenile justice, have not yet completed their reports.

The need for information and statistics in the corrections field exists at several basic levels. Administrative/management decisionmaking requires that information be made available to support planning for facilities, programs, staff, budgets, and for the evaluation of the effectiveness of the entire correctional effort. In addition, the status of any particular program should be available to the correctional administrator responsible for that program.

Daily activity management calls for workload information. The efficient operation of a correctional system demands an accounting of all offenders under correctional supervision, and their needs with regard to the facilities, services, and general resources available. The placement of the individual offender within programs responsive to his needs, requires extensive information about that individual. Much of this information is available through interaction with the other criminal justice components, though much is peculiar to the corrections function itself. Particular care must be taken in the handling of this personally identifiable corrections data, since much of it is of an extremely sensitive nature in light of the protections to personal privacy (see Chapter Six).

The Montana Rules and Regulations for the Government of the Montana State Prison of 1900 contained a tabulation of the nature of prisoners released the previous year:

TABLE NO. 18.

Showing the Conduct of the Prisoners for the Fiscal Year Ending November 30, 1899, who were Discharged During the Year.

Good	165
Fair	12
Bad	4
Very Bad	2
Total	183

Although this record shows some efforts to follow up on persons released from prison, it also shows the inadequacy of the data upon which corrections has traditionally relied upon. As stated in The OBSCIS Approach Volume I; "As a group, correctional managers are given responsibilities for which they are held accountable without being provided with even a minimum of information support."[1] It is clear, that if the criminal justice system is going to be capable of evaluating itself and making the positive changes necessary for improvement, reliable information is essential. Corrections must be enabled to join more effectively in the improvement of the entire criminal justice function. This can be attained through use of effective, efficient information.

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[1] SEARCH Group Incorporated, OBSCIS-Offender-Based State Corrections Information System Technical Report No. 10 SEARCH Group Inc., May 1975 p. 4.

DEVELOPMENT OF A CORRECTIONS INFORMATION SYSTEM

ADOPTED

TASK FORCE FINDINGS

Standard 4.1 outlines the basic requirements of a corrections information system. As discussed in the overview to this chapter, the particular informational needs of corrections must be met in terms of dealing with, and supervising offenders.

The dynamic and diverse nature of offenders as a group requires an information system equally as dynamic and flexible. To accomplish this, detailed study of correctional decisionmaking must be done before the system is designed. Through a carefully developed data base and a conscientiously designed system, the kinds of information that will accommodate contemporary management requirements and research will be provided. Anticipation of future needs is a necessary by-product.

The interrelationships of the criminal justice system require that other components be included in the design of the correctional data base. The interfacing, is limited by privacy and security safeguards relating to access and dissemination.

STANDARD 4.1

A CORRECTIONS INFORMATION SYSTEM MUST SATISFY THE FOLLOWING REQUIREMENTS:

1. THE INFORMATION/STATISTICS FUNCTIONS OF OFFENDER ACCOUNTING, ADMINISTRATIVE DECISION-MAKING, ONGOING RESEARCH, AND RAPID RESPONSE TO QUESTIONS SHOULD BE SUPPORTED.
2. THE INFORMATION NOW USED OR NEEDED BY CORRECTIONS PERSONNEL AT EACH DECISION POINT IN THE CORRECTIONS SYSTEM SHOULD BE ASCERTAINED BEFORE THE INFORMATION SYSTEM IS DESIGNED.
3. THE REQUIREMENTS OF OTHER CRIMINAL JUSTICE INFORMATION SYSTEMS FOR CORRECTIONS DATA SHOULD BE CONSIDERED IN THE DATA BASE DESIGN. INTERFACE BETWEEN THE CORRECTIONS SYSTEM AND OTHER CRIMINAL JUSTICE INFORMATION SYSTEMS SHOULD BE DEVELOPED.

IMPLEMENTATION

This standard should be adopted by corrections information systems planners and administrators.

CROSS REFERENCE

Chapter 1, 3.1, 3.2, 4.2, 4.3, 4.4, 4.5 and recommendation 4-A.
Corrections Report 5.1, 5.2, 5.12, 6.1, 14.2, 4-D and 14-A.

COUNCIL ACTION: Adopted as written.

OPERATION OF A STATE CORRECTIONAL INFORMATION SYSTEM

ADOPTED

TASK FORCE FINDINGS

This standard augments standard 4.1 in specifying the nature of the operation of a correctional information system. To attain maximum performance and efficiency, responsibilities for certain aspects of the operational information system must be delineated. To gain ideal levels of operating effectiveness, centralization of responsibility and authority is extremely important. The American Correctional Association has endorsed this approach to the development of information systems for corrections.[1]

The recent establishment of a Corrections Division for Montana is an important factor in the centralization of correctional effort. Currently, the Department of Institution's Office of Information and Data Systems is in the basic stages of developing an Offender Based State Corrections Information System which will enhance efforts at the state level to establish an Offender Based Transaction Statistics System for use by the entire Criminal Justice System. This corrections information system will be directed primarily at the needs and functions of the Corrections Division.

Corrections Task Force Comments

With the birth of the Corrections Division in January 1976, it is imperative that Montana establish a correctional information system that gathers and distributes statistics about all state correctional functions. There is a compelling need in Montana for corrections data which will aid administrators in making knowledgeable decisions and evaluation judgments. The Corrections Task Force emphasizes further, the particular importance of establishing privacy and security safeguards that are appropriate for all sensitive correctional data.

STANDARD 4.2

MONTANA SHOULD DEVELOP AND MAINTAIN A CORRECTIONS INFORMATION SYSTEM TO COLLECT, STORE ANALYZE, AND DISPLAY INFORMATION FOR PLANNING, OPERATIONAL CONTROL, OFFENDER TRACKING, AND PROGRAM REVIEW FOR ALL STATE AND COUNTY CORRECTIONAL PROGRAMS AND AGENCIES.

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[1] The American Correctional Association, A Manuel of Correctional Standards (Washington D.C.: American Correctional Association 1966) pp. 214, 215.

1. THE STATE SHOULD STORE LOCAL DATA WITH ACCESS PROVIDED THROUGH TERMINALS AT VARIOUS POINTS THROUGHOUT THE STATE.
2. THE CORRECTIONS DIVISION SHOULD BE RESPONSIBLE FOR MAINTAINING THE SECURITY AND PRIVACY OF RECORDS IN ITS DATA BASE AND SHOULD ALLOW ACCESS OF ITS RECORDS ONLY UNDER ITS GUIDANCE AND ADMINISTRATIVE AUTHORITY. THIS SHOULD NOT BE CONSTRUED AS PROHIBITIVE, AS THE CORRECTIONS DIVISION SHOULD ENCOURAGE RESEARCH IN THE CORRECTIONAL SYSTEM AND PROVIDE ACCESS TO AUTHORIZED SOCIAL SCIENCE RESEARCHERS.
3. THE INFORMATION-STATISTICS FUNCTIONS SHOULD BE PLACED ORGANIZATIONALLY SO AS TO HAVE DIRECT ACCESS TO THE TOP ADMINISTRATORS OF THE DEPARTMENT. THE DIRECTOR OF THE INFORMATION GROUP SHOULD REPORT DIRECTLY TO THE AGENCY ADMINISTRATOR.
4. THE MISSION OF THE INFORMATION-STATISTICS FUNCTION SHOULD BE BROAD ENOUGH TO ASSUME INFORMATIONAL AND RESEARCH SUPPORT TO ALL BUREAUS WITHIN THE CORRECTIONS DIVISION AND TO SUPPORT DEVELOPMENT OF AN OFFENDER-BASED TRANSACTION SYSTEM.

IMPLEMENTATION

1. Legislative support required.
2. The Department of Institutions should support development of a state correctional information system.
3. The Corrections Division should accept the responsibilities outlined in this standard during the development and operation of this system.

CROSS REFERENCE

Standards 1.5, 1.6, 1.7, 4.1, 4.2 and Chapter 5.
Corrections Report 5.3, 5.9, 6.3, 7.1, 8.1, 4-B, 4-D, 8-A and 8-B.

COUNCIL ACTION: Adopted as written.

OFFENDER STATISTICAL DATA

ADOPTED

TASK FORCE FINDINGS

This standard outlines the kinds of personal and historical data needed by corrections professionals for program planning and administrative decisionmaking.

Each offender may have certain attributes or handicaps the corrections professional must be knowledgeable of in determining programs especially suited to that offender's needs. The evaluation of such programs may involve categorization of offenders, crimes and the use of follow up data to indicate the relative degree of success of a particular program.

STANDARD 4.3

AS A MINIMUM, THE FOLLOWING TYPES OF CORRECTIONS DATA ABOUT THE OFFENDER SHOULD BE COLLECTED:

1. OFFICIAL DATA, INCLUDING DATE OF ENTRY INTO THE CORRECTIONAL SYSTEM, OFFENSES AND SENTENCES, CONCURRENT OR CONSECUTIVE SENTENCES, RECOMMENDATIONS OF THE COURT, CONDITIONS OF WORK RELEASE OR ASSIGNMENT TO HALFWAY HOUSES OR OTHER COMMUNITY SUPERVISION, AND COUNTY (COURT) OF COMMITMENT OR ENTRY INTO THE CORRECTIONAL SYSTEM;
2. PERSONAL DATA, INCLUDING AGE, RACE, AND SEX; MARITAL/FAMILY STATUS; INTELLIGENCE CLASSIFICATION; MILITARY EXPERIENCE; CLASSIFICATION CATEGORY; OTHER TEST AND EVALUATIVE INFORMATION, JOB PLACEMENT, HOUSING ARRANGEMENTS, AND DIAGNOSTIC DATA; AND
3. HISTORICAL DATA, INCLUDING FAMILY BACKGROUND, EDUCATIONAL BACKGROUND, OCCUPATIONAL RECORD, ALCOHOL AND DRUG USE BACKGROUND, AND PRIOR CRIMINAL HISTORY.

THE CORRECTIONAL SYSTEM MAY NOT NEED ALL OF THE INFORMATION DESCRIBED ABOVE FOR PERSONS INVOLVED IN SHORT-TERM CUSTODY. EACH SYSTEM SHOULD MAKE A CAREFUL DETERMINATION OF ITS INFORMATIONAL NEEDS CONCERNING SHORT-TERM DETAINEES.

IMPLEMENTATION

When developing information systems for use by corrections, these offender oriented elements should be considered in the design stages.

CROSS REFERENCE

Standards 1.2, 1.5, 1.6, 1.7, 4.1, 4.2, 4.4 and Chapter 5.
Corrections Report Chapter 6, 10.1, 12.1, 11.2 and 8-A.

COUNCIL ACTION: Adopted as written.

CORRECTIONS POPULATION AND MOVEMENT

ADOPTED

TASK FORCE FINDINGS

A primary consideration in establishing a statistical system for corrections is supplying accurate and timely information about the number of offenders under supervision on a daily basis. The movement of offenders between the institutions and programs of corrections is essential to determine the status of the entire population, specific individuals or groups. Reasons for changes in the type of supervision or termination of supervision must be available as well.

The information system serving corrections should be able to indicate specific supervisional responsibilities within corrections as well as generally reflecting problems with particular programs or procedures. Predictions regarding the size and makeup of the offender population are necessary for planning for increases or decreases in the total number and types of programs provided. The importance of population accounting was emphasized by the American Correctional Association (ACA) as extremely essential to any statistic system in corrections. The ACA further suggests that, where possible, automation and centralization of information systems could greatly enhance the accuracy and ease with which this standard could be attained.[1]

STANDARD 4.4

THE CORRECTIONS INFORMATION AND STATISTICS SYSTEM SHOULD ACCOUNT FOR THE NUMBER OF OFFENDERS IN EACH CORRECTIONS PROGRAM AND THE DAILY CHANGES IN THOSE NUMBERS. OFFENDERS MUST BE IDENTIFIED BY THE INSTITUTION OR JAIL IN WHICH THEY ARE INCARCERATED, OR THE PROBATION, PAROLE, OR OTHER COMMUNITY PROGRAM TO WHICH THEY ARE ASSIGNED.

MOVEMENT OF AN INDIVIDUAL FROM ONE INSTITUTION OR PROGRAM TO ANOTHER MUST BE RECORDED IN THE CORRECTIONS INFORMATION SYSTEM AS SOON AS POSSIBLE. ASSIGNMENT TO SPECIAL STATUS SUCH AS WORK-RELEASE OR WEEKEND FURLOUGH ALSO MUST BE RECORDED TO ENABLE THE SYSTEM TO ACCOUNT FOR ALL PERSONS UNDER SUPERVISION. SUFFICIENT INFORMATION MUST BE RECORDED TO IDENTIFY THE OFFENDER AND THE REASON FOR MOVEMENT. EACH AGENCY MUST RECORD ADMISSIONS AND DEPARTURES AND GIVE THE REASONS FOR EACH.

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[1] American Correctional Association, Manual of Correctional Standards, 3rd ed. (Washington, D.C.: American Correctional Association, 1966), p. 214, 221.

IMPLEMENTATION

1. Consideration must be made in the design phase of the development of information systems to serve corrections.
2. Centralization of information system services greatly facilitates attainment of this function.

CROSS REFERENCE

Standard 1.5, 1.6, 1.7, 4.1, 5.2 and 15.3.
Corrections Report, 10.1, 8.1, 8.4, 8.6, 4-A and 8-A.

COUNCIL ACTION: Adopted as written.

CORRECTIONS HISTORY DATA

ADOPTED

TASK FORCE FINDINGS

Standard 4.5 calls for data detailing the various types of involvement of a particular offender during his correctional supervision. His record should reflect such things as training, job experience, types of counseling, involvement in special programs and disciplinary actions. The evaluation of the services and programs corrections is able to provide relies heavily upon data of this type.

After an offender is released from supervision, his success or failure may reflect the effectiveness of corrections programs. Research into program effectiveness versus offender post-release outcome is the only way the correctional system will be enabled to conduct self analysis. To demonstrate justification for changes in policy or programing, corrections professionals must be able to use factual data of the type suggested by this standard.

The task force emphasizes that collection, storage, and use of such data must be strictly protected. The privacy and security structure outlined in Chapter Six of this volume is directed at this effort.

STANDARD 4.5

PRIOR TO THE RELEASE OF THE OFFENDER, DATA DESCRIBING THE CORRECTIONS HISTORY OF THE OFFENDER MUST BE ADDED TO THE OFFENDER'S STATISTICAL RECORD.

IMPLEMENTATION

Provisions for the storage of such data must be included in the design phase of the information system.

CROSS REFERENCE

Standard 1.4, 1.5, 1.6, 1.7, 4.1, 4.2 and 4.3.
Corrections Report 7.1, 10.1, 12.1 and Chapter 14.

COUNCIL ACTION: Adopted as written.

THE

OBTS - CCH

CONCEPT

THE OBTS - CCH CONCEPT

CHAPTER 5

This chapter deals with a subject area that is extremely important to the future of the entire criminal justice effort. In the past, the approach to criminal justice information support has been to establish separate information and statistics to serve each individual component of the criminal justice system. This has been done without consideration for common elements and needs of the entire system.

As early as 1931, the National Commission on Law Observance and Enforcement (The Wickersham Commission) identified a need for a uniform comprehensive system of information to serve the fight against crime.[1] In 1930, a study on crime in Montana produced the original recommendation to establish a centralized State Identification Bureau.[2] More recently, the President's Commission on Law Enforcement and the Administration of Justice emphasized the need for an information and statistics system capable of serving the criminal justice system as a whole.3

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1 National Commission on Law Observance and Enforcement, Criminal Statistics, (Washington, D.C., U.S. Government Printing Office, 1931.)

2 Report of the Montana State Crime Commission, 1930, p. 96.

3 President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society, Washington, D.C., U.S. Government Printing Office, 1967).

Project SEARCH in 1969 began dealing on a conceptual level with ideas directly related to just such a system.[4] This subsequently led to a successful feasibility demonstration in a several state area under the auspices of the FBI. Further efforts at more comprehensive implementation across the country have led to the Law Enforcement Assistance Administration's providing funding under a Comprehensive Data System Program. Montana is currently involved in several parts of that program and is in the process of seeking funds for the development of a statewide Computerized Criminal History (CCH) system. Efforts to improve the entire scope of systems serving criminal justice are the direct goal of this program.

A CCH system will be of great value to the various components of the criminal justice system. The safety of the law enforcement officer in the field will be greatly enhanced by the speed with which information can be retrieved through computerization. The ease with which dispositional data will be included in records (this is oftentimes missing in present systems) will improve the accuracy and timeliness of information available to all criminal justice agencies.

In addition to CCH, emphasis is being placed on a concept known as Offender Based Transaction Statistics (OBTS) system. This approach to statistics is generally considered as going hand in hand with the CCH system as many of the same data elements are common to both.

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[4] See, Project SEARCH, Designing Statewide Criminal Justice Statistics Systems-The Demonstration of a Prototype, Technical Report No. 3. (Sacramento: California Crime Technological Research Foundation, November 1970).

OBTS has been shown to be capable of statistically describing the flow of offenders as they proceed through the criminal justice process. Each transaction an offender encounters and the outcome of that transaction is recorded. This can give a complete view of our criminal justice process. The orientation of OBTS brings the common denominator of all criminal justice -- the offender -- into focus. As a result, an objective view of the criminal justice system can be had without the barriers of interjurisdictional, interagency, intrasystem factioning within the state. With such a comprehensive approach to the criminal justice process many benefits are possible through analysis of OBTS statistics. Among these are:

- -The ability for legislative analysis.
- -Prediction and analysis of the impacts of new case law upon the process thus enabling appropriate planning.
- -Recidivism may be analyzed in terms of real definitions and figures.
- -Demographic variables can be considered and planned for.
- -Mathematical modeling of the system can be accomplished allowing experimentation and prediction for changes in decisionmaking policies.[5]

In terms of legislative analysis, the potential value of OBTS in the assessment of criminal justice needs is great. Products of OBTS could pinpoint actual needs along the continuum of the criminal justice process and legislation could be directed more toward reality than the perceived reality and intuition which have had to be used so often in the past.

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[5] Dr. Charles Freil, "The Use of OBTS Statistics" (presented at a meeting of the Criminal Justice Statistics Association, Sante Fe, New Mexico, August 27, 1975).

The potential impacts of a specific change in procedure or policy can be very closely estimated thereby predicting the effects of proposed legislation.

As changes in basic operations occur, resulting from case determinations in the courts, the precedents established could be projected in terms of day-to-day process and any resulting problems or overburdens. Landmark constitutional questions are particularly brought to mind here as oftentimes having far reaching effects on the functioning of the criminal justice system.

In conducting an analysis of recidivism one would be able to pinpoint problem areas which may cause repeated offenses. A differentiation between types or levels of recidivism could be accomplished. An example here is the difference between a parole violation for driving while intoxicated versus a violation for murder. Present systems don't allow for these types of comparisons.

The use of OBTS data in concert with other statistical analyses (such as demographic prediction) could be used to plan for the long-range effects of a baby boom or large migrations trends upon crime and the criminal justice process. This could greatly enhance the ability for future planning.

The stage could be set by OBTS to establish mathematical modeling of the criminal justice system permitting accurate

prediction of the outcomes of variations in proposed decision-making. This would allow for overcoming the physical, ethical, political and economic constraints that prohibit actual experimentation with the system itself. Techniques of mathematical modeling have been used effectively by universities and many large organizations in the private sector, as well as by the United States military and other governmental bodies.

The potentials spoken of here are brought forth in a very futuristic sense. The use of automation is necessitated by the complex nature of such applications and the sophisticated techniques required to retrieve the data and carry out comparative analyses. The benefits which could be offered by an information and statistical system with these capabilities are significant and depend upon careful implementation and accurate analysis of information provided by this system. Properly used, the economic benefits of such a system are extensive.

As with any powerful tool available to man, the responsibility for its beneficial use is a serious matter. One of the major issues that must receive attention is protection of personal privacy (see Chapter Six). The standards of chapter five address some of the particular problems and needs of both CCH and OBTS systems in terms of efficient operation as well as the impeccability of their use in light of privacy considerations.

DATA ELEMENTS FOR OFFENDER-BASED TRANSACTION STATISTICS AND COMPUTERIZED CRIMINAL HISTORY RECORDS

ADOPTED

TASK FORCE FINDINGS

There are many of the same data elements in both CCH and OBTS systems. In the development of these two systems existence of such identical requirements must be recognized. To insure compatibility and to avoid needless duplication, the design of each system must include the unique, as well as the common, objectives of the individual systems. This will require a coordinated effort.

System compatibility will be attained through use of the same definitions and coding structure in relation to the common elements of the two systems. A comparative listing of the data elements suggested for both systems can be found in figure II.

The task force felt the importance of user group participation in the design of OBTS and CCH systems could not be understated. An important part of their participation would be to guarantee compatibility between the two systems as well as assuring the usefulness of both systems.

The Montana Department of Justice's plans for the establishment of a OBTS/CCH system include all the data elements as recommended by SEARCH and NCIC as a minimum (see figure 5-1). Additional elements will be added to accommodate particular needs in Montana.

STANDARD 5.1

THE OCCURANCE OF IDENTICAL DATA ELEMENTS MUST BE RECOGNIZED IN THE DESIGN OF OBTS OR CCH RECORDS. THE USER GROUP DETERMINING THE DESIGNS OF BOTH SYSTEMS SHOULD ASSURE THE COMPATIBILITY OF SUCH DATA ELEMENTS.

THE CODING STRUCTURE OF ALL OVERLAPPING DATA ELEMENTS SHOULD BE DEVELOPED TO GUARANTEE THAT BOTH STATISTICAL AND OPERATIONAL INFORMATION WILL BE AVAILABLE AND COMPARABLE. WHERE NATIONAL SPECIFICATIONS AND REQUIREMENTS FOR DATA ELEMENT STRUCTURE EXIST, THEY SHOULD BE CONSIDERED THE MINIMUM ACCEPTABLE.

IMPLEMENTATION

1. Legislation required for the development of OBTS/CCH systems for Montana.

2. The Montana Department of Justice must design OBTS/CCH in accordance with these standards.

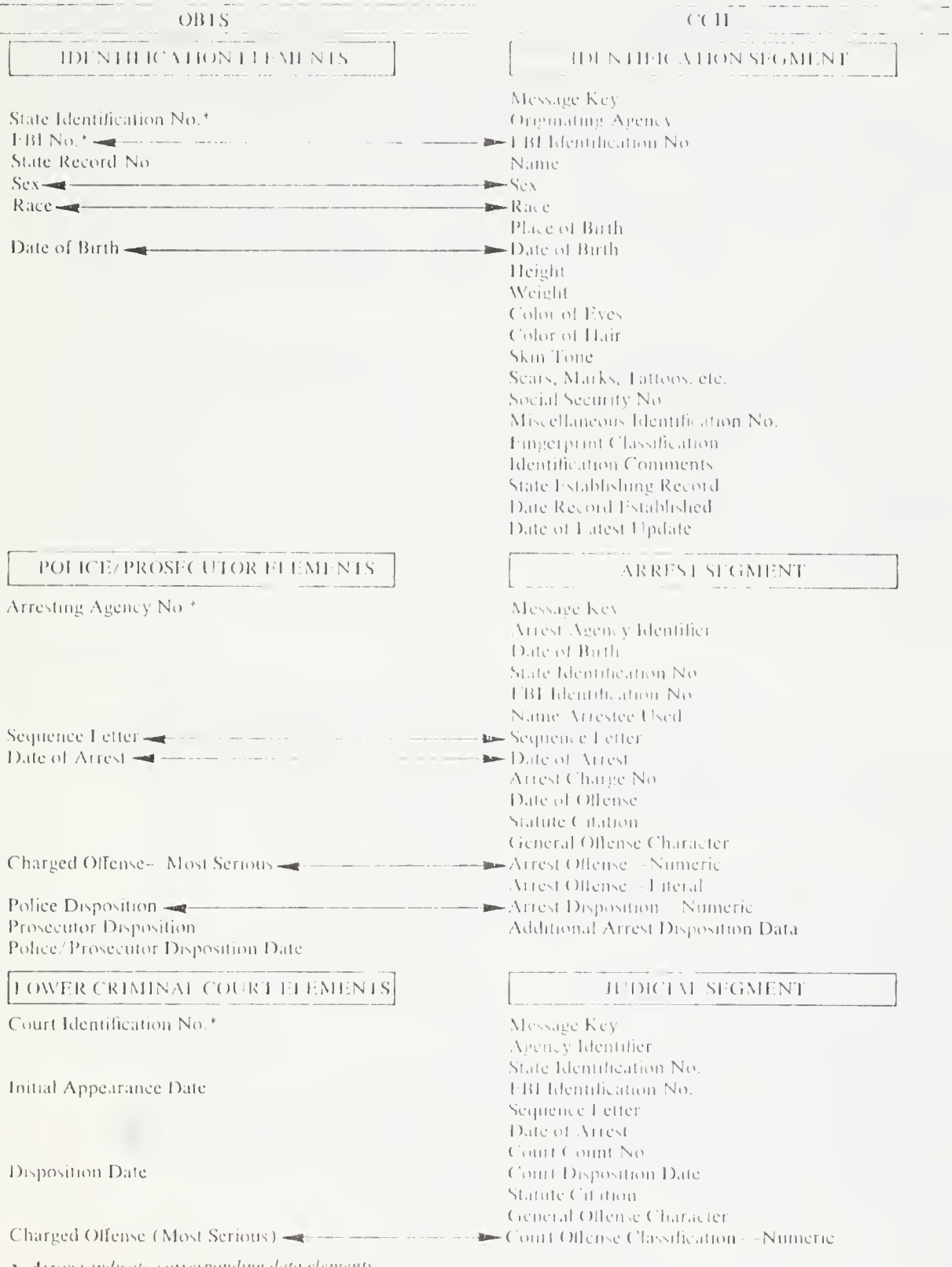
3. User group participation in the design phase is essential.

CROSS REFERENCE

Standard 1.8, 2.2, 5.2 and 7.1.
Courts Report 5.2, and 10.2.
Corrections Report 8.1, 14.1, 14.2 and 14-A.

COUNCIL ACTION: Adopted as written.

(FIGURE II)



* - *Arrows indicate corresponding data elements.*

OBTS	CCH
	Court Offense Classification—Literal
Lower Court Disposition ◄———	———► Court Disposition—Numeric
Release Action	Sentence Suspended
Release Action Date	Confinement
Final Charge (Most Serious)	Probation
Type of Charge	Fine
Plea (At Trial)	Other Court Sentence Provisions—Literal
Type of Trial	Other Court Sentence Provisions—Numeric
Date of Sentence	Date Case Appealed
Type of Sentence	On Bail Pending Results of Appeal
Confinement Term (Days)	
Probation Term (Months)	
Type of Counsel	

COUNTY PROSECUTOR GRAND JURY ELEMENTS

Prosecutor Identification No.*
Date of Filing
Type of Filing
Filing Procedure
Date of Arraignment
Charged Offense (Most Serious)
Initial Plea
Release Action
Release Action Date

SUPPLEMENTAL SEGMENT

Message Key
Agency Identifier
State Identification No.
FBI Identification No.
Sequence Letter
Date of Arrest
Court Count No.
Court (Chief Executive) Disposition Date
Court (Chief Executive) Disposition
Sentence Suspended
Confinement
Probation
Fine
Other Court Sentence Provisions—Literal
Other Court Sentence Provisions—Numeric

FELONY TRIAL ELEMENTS

Court Identification No.*
Trial Date
Trial Type
Final Plea
Trial Ending/Disposition Date
Final Charge (Most Serious)
Type of Charge
Court Disposition
Sentence Date
Sentence Type
Confinement—Prison (Years)
Confinement—Jail (Days)
Probation (Months)
Type of Counsel

CUSTODY—SUPERVISION SEGMENT

Message Key
Agency Identifier
State Identification No.
FBI Identification No.
Sequence Letter
Date of Arrest
Status Change Character
Custody or Supervision Status Starting Date
Custody or Supervision Status—Numeric
Custody or Supervision Status—Literal Extended

CORRECTIONS ELEMENTS

Agency Identifier*
Receiving Agency
Date Received
Status
Date of Exit
Exit

CRIMINAL JUSTICE AGENCY COLLECTION OF OBTS/CCH DATA

ADOPTED

TASK FORCE FINDINGS

The success or failure of statewide criminal justice information systems in Montana depends entirely upon the participation of the criminal justice agencies in the state. The only way such systems can possibly obtain the data is from individual agencies. Simplicity in the design of forms and procedures to insure a minimal disruption of the normal operation of these agencies is a paramount consideration. The task force found by this standard that the user group input is mandatory if the desired goal is to be attained.

It is further suggested by the task force that the number of identical data elements necessary to both the OBTS/CCH functions lends to a single collection. Duplication of effort in data collection should be absolutely avoided.

In collection of criminal history data, juvenile record information must not be included in the establishment of adult criminal files. The sensitive nature of juvenile information dictates this as a necessity.

STANDARD 5.2

FORMS AND PROCEDURES SHOULD BE DESIGNED TO ASSURE THAT DATA CODED BY AGENCY PERSONNEL MEETS ALL REQUIREMENTS OF THE INFORMATION AND STATISTICS SYSTEMS, AND THAT NO DUPLICATION OF DATA IS REQUESTED. THE FORMS AND PROCEDURES SHALL BE DESIGNED OR REVIEWED BY THE USER GROUP.

JUVENILE RECORD INFORMATION MUST NOT BE ENTERED INTO ADULT CRIMINAL HISTORY FILES.

IMPLEMENTATION

1. Adoption by the Montana Department of Justice as basic to OBTS/CCH design.
2. User group participation is required.

CROSS REFERENCE

Standards 1.2, 1.5 and 1.8. Courts Report 5.2.
Corrections 14.1, 14.2 and 4-A.

COUNCIL ACTION: Adopted as written.

TRIGGERING CRIMINAL HISTORY DATA COLLECTION AND DISSEMINATION

ADOPTED

TASK FORCE FINDINGS

Collection of data identifying an individual must reflect the occurance of a formal event between the individual and an element of the criminal justice system. (e.g. arrest, initiation of prosecution, conviction) A formal event is distinguished as relating to the initiation of a specific legal procedure by a criminal justice agency. Informal events to be excluded from OBTS/CCH systems are such things as simple contact with a particular person or unsubstantiated information of any nature about an individual. The proper place for information of this type is within special intelligence files created for use by law enforcement (as defined in glossary).

The purpose of placing these limits upon data collection is to insure that a file is verifiable and directed at a particular purpose. Under present systems, the absence of dispositions relating to particular files underlines the necessity to emphasize the importance of these types of criteria in criminal justice data collection.

STANDARD 5.3

COLLECTION OF CRIMINAL HISTORY INFORMATION CONCERNING INDIVIDUALS SHOULD BE TRIGGERED ONLY BY A FORMAL EVENT IN THE CRIMINAL JUSTICE PROCESS. CCH RECORDS SHALL CONTAIN ONLY VERIFIABLE DATA. INTELLIGENCE FILES MUST NOT BE ENTERED INTO CRIMINAL HISTORY FILES.

IMPLEMENTATION

Adoption by criminal justice agencies responsible for collection of data for OBTS/CCH.

CROSS REFERENCES

Standards 2.1, 2.5, 3.1, 5.1, 5.2, 6.3 and 6.5
Corrections Report 14.1 and 14.2.

COUNCIL ACTION: Adopted as written.

SEPARATION OF COMPUTERIZED FILES

ADOPTED

TASK FORCE FINDINGS

There are advantages in the use of dedicated systems by criminal justice. The advent of automated criminal histories generates very strong arguments for taking severe measures to insure personal privacy. The misuse of nonautomated records has been shown several times in the courts. The potential for abuse due to the ease and speed with which large amounts of data are stored, processed, and transmitted, increases drastically with automation.

Dedicated computer systems are enviable, but due to economic feasibility the task force believes shared computers must be allowed. If shared equipment is the only means by which criminal justice agencies will be able to take advantage of the superior technology of the computer, extreme care must be exercised in assuring protections to personal privacy and system security. To be justified, the shared computer must also provide the necessary availability and response demanded by criminal justice agencies.

The task force stressed the need to conduct an extensive cost/benefit analysis to determine the feasibility of the dedicated system concept.

STANDARD 5.4

FOR SYSTEMS CONTAINING CRIMINAL OFFENDER DATA, THE FOLLOWING PROTECTIONS SHOULD APPLY:

1. ALL CRIMINAL OFFENDER RECORD INFORMATION SHOULD BE STORED IN A COMPUTER DEDICATED SOLELY TO, AND CONTROLLED BY, CRIMINAL JUSTICE AGENCIES.
2. WHERE EXISTING LIMITATIONS TEMPORARILY PREVENT THE USE OF A DEDICATED COMPUTER, THE PORTION OF THE COMPUTER USED BY THE CRIMINAL JUSTICE SYSTEM MUST BE UNDER THE MANAGEMENT CONTROL OF A CRIMINAL JUSTICE AGENCY AND SHOULD BE DEDICATED IN THE FOLLOWING MANNER.
   a. FILES MUST BE STORED ON THE COMPUTER IN SUCH A MANNER THAT THEY CANNOT BE MODIFIED, DESTROYED, ACCESSED, CHANGED, PURGED, OR OVERLAID IN ANY FASHION BY NONCRIMINAL JUSTICE TERMINALS.

b. THE SENIOR CRIMINAL JUSTICE AGENCY EMPLOYEE IN CHARGE OF COMPUTER OPERATIONS MUST WRITE AND INSTALL, OR CAUSE TO HAVE WRITTEN AND INSTALLED, A PROGRAM THAT WILL PROHIBIT INQUIRY, RECORD UPDATES OR DESTRUCTION OF RECORDS FROM ANY TERMINAL OTHER THAN CRIMINAL JUSTICE SYSTEM TERMINALS WHICH ARE SO DESIGNATED. THE DESTRUCTION OF RECORDS MUST BE LIMITED TO SPECIFICALLY DESIGNATED TERMINALS UNDER THE DIRECT CONTROL OF THE CRIMINAL JUSTICE AGENCY RESPONSIBLE FOR MAINTAINING THE FILES.

c. THE RESPONSIBLE CRIMINAL JUSTICE AGENCY IN CHARGE OF COMPUTER OPERATIONS MUST INSTALL A CLASSIFIED PROGRAM TO DETECT AND STORE FOR CLASSIFIED OUTPUT ALL ATTEMPTS TO PENETRATE ANY CRIMINAL OFFENDER RECORD INFORMATION SYSTEM, PROGRAM, OR FILE.

3. UNDER NO CIRCUMSTANCES WILL CRIMINAL JUSTICE MANUAL OR COMPUTERIZED FILES BE LINKED TO OR AGGREGATED WITH NONCRIMINAL JUSTICE FILES FOR THE PURPOSE OF AMASSING INFORMATION ABOUT A SPECIFIED INDIVIDUAL, A SPECIFIED GROUP OF INDIVIDUALS OR FOR ANY OTHER PURPOSE.

IMPLEMENTATION

1. Privacy and Security Board must be established (see Chapter Six) to insure the requirements of this standard are met.
2. Adopted as policy by criminal justice information system personnel.
3. A cost benefit analysis of dedicated system feasibility must be conducted before a shared computer system is considered.
4. Legislative appropriation is necessary for establishment of the OBTS/CCH computer system.

CROSS REFERENCES

Standards 1.5, 6.3 and 6.6.
Corrections Report 14.2 and 14-A.

COUNCIL ACTION: Adopted as written.

ESTABLISHMENT OF COMPUTER INTERFACES FOR CRIMINAL JUSTICE INFORMATION SYSTEMS

ADOPTED

TASK FORCE FINDINGS

Standard 5.5 is primarily directed at making information system support available to all criminal justice agencies. In order to accomplish this, responsibilities for data control and systems security must be clearly established. The computer interface which accommodates the flow of information to participating agencies is considered the point at which this control and determination of responsibility must occur.

An agency establishing a computer interface with a criminal justice information system (the data base here may exist at any jurisdictional level) becomes a control unit and is to be held responsible for flow of information through the interface. An example of this can be seen in the Montana Law Enforcement Teletype System which is the only control unit presently existing in the State.

An essential element in assuring the thrust of this standard is the use of the audit trail discussed at length in previous chapters, (see standards 1.5 and 2.4). The audit trail is the primary means by which accountability for receipt, use and control of information can be insured.

Endorsement of the concept advanced by this standard can be found in SEARCH's Technical Report No. 5. It suggests use of control units at interface points and the audit trail as aids in attaining desirable levels of system quality.[1]

STANDARD 5.5

ANY AGENCY ESTABLISHING A COMPUTER INTERFACE WITH OTHER CRIMINAL JUSTICE INFORMATION SYSTEMS WILL BE CONSIDERED A CONTROL UNIT AND MUST ACCEPT THE RESPONSIBILITY FOR THE CONTROL, OPERATION AND FLOW OF INFORMATION THROUGH THAT INTERFACE.

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[1] Project SEARCH, Designing Statewide Criminal Justice Statistics Systems - An Examination of the Five State Implementation Technical Report No. 5,(Sacramento, California. Technological Research Foundation, December, 1972).

1. EACH CONTROL UNIT MUST MAINTAIN TECHNICAL LOGGING PROCEDURES AND ALLOW FOR 100 PERCENT AUDIT OF ALL TRAFFIC HANDLED BY THE INTERFACE. CRIMINAL HISTORY AUDIT TRAILS SHOULD BE MAINTAINED FOR THE LIFE OF THE RECORD. AUDIT TRIALS ON ALL OTHER INFORMATION FLOW SHALL BE MAINTAINED FOR ONE YEAR.
2. THE CONTROL UNIT MUST MAINTAIN BACKUP OR DUPLICATE COPIES OF ITS FILES IN SECURE LOCATIONS AWAY FROM THE PRIMARY SITE.
3. ALL PERSONNEL INVOLVED IN A SYSTEM ARE SUBJECT TO SECURITY CHECKS.
4. THE CONTROL UNIT MUST ESTABLISH AN AUDIT TRAIL THAT ENABLES VERIFICATION OF RECORD ACCESS AND DISSEMINATION.

IMPLEMENTATION

Adoption by criminal justice information system management as standard policy procedure.

CROSS REFERENCE

Standard 1.1, 2.4, 2.6, 6.1 and 6.7.
See also glossary for definition of control unit.
Corrections Report 14.1 and 14.2.
Courts Report Chapter 5.

COUNCIL ACTION: Adopted as written.

THE AVAILABILITY OF CRIMINAL JUSTICE INFORMATION SYSTEMS

ADOPTED

TASK FORCE FINDINGS

Criminal justice information systems must be readily available to the user. The degree and certainty of this availability should relate directly to the end user. Often the availability of information has been measured by computing centers at the central computing devices.

The task force felt that a 98 percent functioning rate, as measured at the user output devices, is a minimum desirable goal for information delivery by the information system.

STANDARD 5.6

THE AVAILABILITY OF THE INFORMATION SYSTEM (the percentage of time when the system is fully operating and can process inquires) SHOULD NOT BE LESS THAN 98 PERCENT. THIS AVAILABILITY MUST BE MEASURED AT THE OUTPUT DEVICE SERVING THE USER. THE USER MAY ACTUALLY BE SEVERAL DEVICES REMOVED FROM THE DATA BASE PROVIDING THE INFORMATION.

IMPLEMENTATION

1. Establishment of an index of available data and measurement at the user device.
2. Adoption by criminal justice information system managers as an operational goal.

CROSS REFERENCES

Standard 1.5, 2.3 and 2.12.

COUNCIL ACTION: Adopted as written.

COMPLETENESS AND ACCURACY OF OFFENDER DATA

ADOPTED

TASK FORCE FINDINGS

Standard 5.7 is aimed at the dual purposes of improving system efficiency and providing certain protections to security and privacy. The primary thrust of the standard is centered upon the veracity of data included in a given system in terms of accuracy and completeness.

While the information holding agency plays a primary role in assuring the quality of data it is responsible for, the contributor is seen as greatly affecting that quality control. The design of the system should include the means to enable both the contributor and the holding agency to exclude deficient information from the system.

To assure quality control, a system audit must exist at all levels of participation. The audit will allow the discordant information to be discovered, permitting the appropriate measures to correct or remove it.

In the opinion of the task force, the audit trail is essential to discovery of sources of any disparity, and to guarantee that corrective measures are effected. These corrective measures must be thorough and include notification of all who may have received incomplete or inaccurate information. Previous discussions of the system audit further emphasize the value of the audit mechanisms (see cross reference below).

STANDARD 5.7

AGENCIES MAINTAINING DATA OR FILES ON PERSONS DESIGNATED AS OFFENDERS SHALL ESTABLISH AND ABIDE BY METHODS AND PROCEDURES TO INSURE THE COMPLETENESS AND ACCURACY OF STORED DATA. THESE METHODS AND PROCEDURES SHALL INCLUDE THE FOLLOWING:

1. EVERY ITEM OF INFORMATION SHOULD BE CHECKED FOR ACCURACY AND COMPLETENESS BEFORE ENTRY INTO THE SYSTEM.
2. A SYSTEM OF VERIFICATION AND AUDIT MUST BE INSTITUTED. WHERE FILES ARE FOUND TO BE INCOMPLETE OR INACCURATE, SUCH FILES MUST BE CORRECTED OR DELETED AND ALL PERSONS OR AGENCIES WHO HAVE RECEIVED OR SENT MISLEADING INFORMATION MUST BE IMMEDIATELY NOTIFIED.
3. WHENEVER CRIMINAL OFFENDER RECORDS ARE PURGED, CORRECTED OR UPDATED THE AGENCY TAKING SUCH ACTION MUST IMMEDIATELY NOTIFY ALL HOLDERS OF SUCH INFORMATION OF THOSE CHANGES.

IMPLEMENTATION

1. Incorporation of audit trail mechanisms into the design of the CJIS.
2. Adoption by criminal justice managers as standard operating procedures.

CROSS REFERENCES

Standards 1.5, 2.4, 5.5, 6.3 and 6.6.
Corrections Report 14.2 and 14-A.

COUNCIL ACTION: Adopted as written.

PURGING (5.8)

PURGING PROCEDURES (5.9)

FREQUENCY OF PURGING (5.10)

AMENDED
ADOPTED

TASK FORCE FINDINGS

Purging is a procedure that will greatly aid the attainment of the overall goal of standard 5.7, which is insurance of the quality of information provided by criminal justice information systems. Purging, for the purposes of this report is the review of files and the removal of a file, or part of a file from active storage and dissemination. The purged information may then be retained under special controls. The effect of purging is to cleanse the active files of data found to be questionable. The impetus here is to protect individual privacy, as well as to promote the effectiveness of the active information system supporting criminal justice operations.

Recent court decisions have demonstrated the necessity to exercise care in the handling of criminal records. The harm done to individual rights to privacy in many circumstances is greater than the "compelling need" of criminal justice agencies to retain a record.[1] Further, it is frequently desirable under many circumstances that a certain degree of "forgiveness" be applied where a convicted offender has demonstrated change in remaining free from criminal activity for a substantial time. In these cases, sections 3 and 4 of standard 5.9 outline measures to be taken in these cases.

To enable the purging mechanism to operate as outlined in these three standards, consideration for the mechanism of purging must occur in the design phase of an information system. Generally, this means the establishment of a separate, closed file of a higher sensitivity classification (see standard 6.5, Data Sensitivity Classification) than the active operating system. The ease with which purging can be accomplished varies with the sophistication of the system. Where automation easily lends itself to review of files on a periodic basis, it is found to be more difficult to actively review manual files. Regardless of the system, however, reasonable steps must be taken to aid the function of purging.

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[1] See, Sullivan v. Murphy 478F.2d938 (D.C. Cir. 1973); Menard v. Saxbe 498F.2d1017 (D.C. Cir., 1974); U.S. v. Hudson, 43 US Law Week 2377, March 18, 1975

STANDARD 5.8

PURGING SHOULD BE ACCOMPLISHED BY THE REMOVAL TO AN INACTIVE FILE WITH RESTRICTED ACCESS, ALL CRIMINAL JUSTICE INFORMATION RELATING IN AN INDIVIDUALS ARREST, DETENTION OR CHARGES. THIS INFORMATION SHALL BE DESTROYED UPON PROPER NOTIFICATION OF THE DEATH OF THE INDIVIDUAL; WHEN THAT PERSON REACHES 100 YEARS OF AGE; OR WHEN THE INFORMATION IS FOUND TO BE INACCURATE OR UNVERIFIED.

STANDARD 5.9

EACH CRIMINAL JUSTICE AGENCY MUST ADOPT PROCEDURES TO INSURE THAT ARREST RECORD INFORMATION AND CRIMINAL RECORD INFORMATION ARE PURGED WHEN REQUIRED BY FEDERAL OR STATE STATUTE, COURT ORDER OR COURT RULE, OR ADMINISTRATIVE REGULATION OF THE PRIVACY AND SECURITY BOARD. IN ADDITION, SUCH PROCEDURES SHOULD PROVIDE FOR THE PURGING OF:

1. ARREST RECORD INFORMATION WHERE THE ARREST IS NOT FOLLOWED BY FORMAL CHARGES OR WHERE PROSECUTION IS DECLINED;
2. ARREST RECORD INFORMATION WHERE THE INDIVIDUAL IS ACQUITTED (except where the aquital is by reason of insanity) OR THE ARREST IS NOT FOLLOWED BY A CONVICTION WITHIN TWO YEARS OF THE ARREST OR DETENTION, PROVIDED PROSECUTION IS NOT ACTIVELY PENDING AT THE END OF THAT PERIOD AND IF THE INDIVIDUAL IS NOT A FUGITIVE;
3. FELONY CONVICTION RECORDS IF THE INDIVIDUAL HAS BEEN FREE OF CRIMINAL INVOLVEMENT FOR A PERIOD OF TEN YEARS FOLLOWING FINAL RELEASE FROM CONFINEMENT OR SUPERVISION, UNLESS THE CONVICTION RECORD HAS BEEN SPECIFICALLY EXEMPTED FROM PURGING UNDER FEDERAL OR STATE STATUTE; AND
4. MISDEMEANOR CONVICTION RECORDS IF THE INDIVIDUAL HAS BEEN FREE OF CRIMINAL INVOLVEMENT FOR A PERIOD OF FIVE YEARS FOLLOWING FINAL RELEASE FROM CONFINEMENT OR SUPERVISION, UNLESS THE CONVICTION RECORD HAS BEEN SPECIFICALLY EXEMPTED FROM PURGING UNDER FEDERAL OR STATE STATUTE.
5. CRIMINAL OFFENDER RECORDS WHEN THEY ARE FOUND TO CONTAIN INACCURATE, MISLEADING OR UNVERIFIED INFORMATION.

CRIMINAL RECORDS OF OFFENDERS CONVICTED OF TWO OR MORE CRIMES SHALL NOT BE PURGED. WHEN AN OFFENDER WHOSE RECORD HAS BEEN PURGED, COMMITS A SECOND OFFENSE, THAT PURGED FILE WILL BECOME ACTIVE.

STANDARD 5.10

PURGING REVIEW SHOULD BE ACCOMPLISHED IN AUTOMATED SYSTEMS AT LEAST SEMIANNUALLY. IN MANUAL SYSTEMS PURGING SHALL BE ACCOMPLISHED UPON REQUEST FOR ACCESS TO THE INFORMATION. IN THE EVENT THERE IS A REQUEST FOR OFFENSE INFORMATION WHICH SHOULD HAVE BEEN PURGED, THE INFORMATION SHOULD BE PURGED AND NO INFORMATION GIVEN. MANUAL FILES SHOULD BE REVIEWED FOR PURGING YEARLY.

IMPLEMENTATION

1. Incorporate these standards in the design phase to facilitate the purging of system files.
2. Adoption as policy by criminal justice administrators and the Montana Security and Privacy Board.
3. Incorporate as an integral part of privacy and security legislation and regulations.

CROSS REFERENCES

Standards 5.6, 6.2, 6.3, 6.4 and 6.5.
See, Revised Codes of Montana, 83-3313 "Destruction of Records".
Courts Report 5.2.
Corrections Report 14.2, 5.1, 5.2, 5.5, 14.1, 14.2 and 14-A.
Community Crime Prevention Report 4-A.

COUNCIL ACTION: The words "or when the information is found to be inaccurate or unverified.", were added to Standard 5.8 simply to clarify the standard as well as to make it consistent with the rest of Chapter 5. The standard was then adopted as were Standards 5.9 and 5.10.

AVAILABILITY OF PURGED RECORDS (5.11)

NOTIFICATION OF PURGING AND INDEXES TO PURGED RECORDS (5.12)

ADOPTED

TASK FORCE FINDINGS

Standard 5.11 outlines the instances that may justify access to purged record files. These circumstances are generally considered as those able to demonstrate the "need and right to know" criteria commensurate with the sensitivity of the information contained in the purged files.[1]

Standard 5.12 describes the means by which the files could be accessed. The task force felt that a single index to both the active and purged files would accommodate the system's needs. Reference to the purged file should, however, be limited to simple identifiers only. Often an index is found to be much more detailed with regard to offenses than could be allowed in the index to purged files.[2]

STANDARD 5.11

PURGED RECORDS SHOULD BE PERMITTED TO BE MADE AVAILABLE;

1. FOR PURPOSES OF EMPLOYMENT SCREENING OF ITS OWN PERSONNEL BY A CRIMINAL JUSTICE AGENCY;
2. TO FEDERAL, STATE OR LOCAL GOVERNMENT OFFICIALS AUTHORIZED BY LAW TO APPOINT OR NOMINATE JUDGES, EXECUTIVE OFFICERS OF CRIMINAL JUSTICE AGENCIES OR MEMBERS OF FEDERAL OR STATE BOARDS CREATED TO REGULATE CRIMINAL JUSTICE INFORMATION SYSTEMS; AND TO LEGISLATIVE BODIES AUTHORIZED TO APPROVE SUCH APPOINTMENTS.
3. FOR REVIEW BY THE INDIVIDUAL FOR PURPOSES OF CHALLENGE OR CORRECTION;
4. FOR AUDIT PURPOSES;
5. IF THE INDIVIDUAL IS SUBSEQUENTLY ARRESTED FOR AN OFFENSE WHICH IS SUBJECT TO IMPOSITION OF A HIGHER SENTENCE UNDER A FEDERAL OR STATE STATUTE PROVIDING FOR ADDITIONAL PENALTIES FOR REPEAT OR HABITUAL OFFENDERS;
6. IF SUBSEQUENT CRIMINAL CHARGES ARE FILED AGAINST THE INDIVIDUAL;
7. UPON COURT ORDER;
8. UPON ORDER OF THE MONTANA PRIVACY AND SECURITY BOARD (Standard 6.1).

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[1] For further discussion see, SEARCH Group Inc. Technical Report No.13 Standards for Security and Privacy of Criminal Justice Information (SEARCH Group Inc. Sacramento, CA October 1975) pp. 25-26

[2] Ibid.

STANDARD 5.12

CRIMINAL JUSTICE AGENCIES SHOULD MAINTAIN AN INDEX TO ACTIVE AND PURGED RECORDS TO FACILITATE ACCESS TO THE RECORDS. ACCESS TO THIS INDEX SHOULD BE LIMITED TO AUTHORIZED OFFICIALS AND EMPLOYEES OF CRIMINAL JUSTICE AGENCIES. THE INDEX TO PURGED RECORDS SHOULD CONTAIN ONLY DATA NECESSARY TO POSITIVELY IDENTIFY THE INDIVIDUAL.

UPON PROPER NOTICE, CRIMINAL OFFENDER RECORDS SHALL CONTAIN THE FACT THAT THE FILES HAVE BEEN PURGED IN THE STATE THAT ORIGINATED THE INFORMATION.

IMPLEMENTATION

1. Adoption by the Privacy and Security Board and all Criminal Justice Agencies of Standard 5.11 as policy regarding access to purged files.
2. Use of standard 5.12 as guidelines in information system design phase.

CROSS REFERENCE

Standard 5.3, 6.1, 6.3 and 6.5.
Corrections Report 14.2 and 14-A.
Courts Report Chapter 5.
Police Report 3.2.
Community Crime Prevention Report 4-A.

COUNCIL ACTION: Adopted as written.

ADMINISTRATION OF PRIVACY AND SECURITY

CHAPTER 6

THE ADMINISTRATION OF PRIVACY AND SECURITY

Nationwide the criminal justice community is experiencing dramatic and rapid change. Montana, though unique in its problems, is faced with the same prospects. For these reasons, the approach taken by the Information Systems Task Force has been one of looking to the future.

Recent improvements in most criminal justice agencies in this state have produced a desire by most to establish a more effective approach to the problems of crime and its reduction. Dealing with crime requires that the most efficient methods available be employed throughout the criminal justice process.

The gathering and correlation of facts about the phenomena of crime are seen as basic to any attempt at planning the course of the criminal justice process. To facilitate collection of data and conversion of such data to useful forms, the most recent developments in information system technology must be considered. In 1967 it was recognized by the President's Commission on the Administration of Justice that:

> "With timely information, a police officer could know that he should hold an arrested shoplifter for having committed armed robbery elsewhere. With a more detailed background on how certain kinds of offenders respond to correctional treatment, a judge could sentence persons more intelligently. With better projections of next year's workload, a State budget office would know whether and where to budget for additional parole officers.

> Modern information technology now permits an assault of these problems at a level never before conceivable. Computers have been used to solve related problems in such diverse fields as continental air defense, production scheduling, airline reservations, and corporate management."[1]

Trends for the future are thus acknowledged.

Recent developments in electronic technology have drastically reduced the costs of automation to the point that smaller agencies with less size and money are finding computerization within their financial grasp. Due to these technological developments the computer will truly be a household word and available to all within the next decade.[2]

The ease with which large amounts of data can be stored and used through automation, ever emphasizes the need for paying close attention to the moral-ethical impacts of such developments in Montana. This is the basis for consideration of the entire scope of this report's section of privacy and security standards.

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1 President's Commission on Law Enforcement and the Administration of Justice, Task Force Report; Science and Technology Washington, D.C. Government Printing Office, 1967 p. 68.

2 See, General Automation, Inc. with Adam Osbourne and Associates, The Value of Micropower (A microcomputer handbook) General Automation, Inc., 1055 South East Street, Anaheim, CA 92805

SECURITY AND PRIVACY ADMINISTRATION

ADOPTED

TASK FORCE FINDINGS

Standard 6.1 is intended to convey a philosophy of the task force concerning the administration of privacy and security safeguards. The exceptions taken and the resulting changes made in the National Advisory Commission standard 8.1 concern the location of responsibility, and balance of authority between state and local jurisdiction. It is felt that in Montana the initial response to privacy and security should be made by the local agency with appropriate support, direction and checks originating from state level jurisdiction. The task force felt that this rewritten form lends more to this sort of relationship than did the N.A.C. standard, though basically it was accepted in concept.

Putting together a security and privacy board for Montana under section 2 of standard 6.1 was intended to fit Montana's present circumstances. The balancing attained by appointment of the Board in this manner will insure the objectivity of the Board when faced with problem situations.

The length of term suggested here was long enough to give members of the Board a flavor for the work, yet inhibit lifetime appointments to the Board. To begin the appointment process, the initial appointees will be selected for varying terms to insure the yearly turnover suggested by the standard. That is, the initial five members appointed by the Governor or Attorney General will be for one year, two years, three years, four years, and five years, respectively, thus enabling the appointing powers to begin yearly appointments to five year-terms after the first year of the Board's existence.

Section 4 of this standard was accepted from the N.A.C. standards as expressing a broad intent regarding data collection and personal privacy. It is a reflection of congressional opinion and several U.S. Supreme Court decisions over the past several years.

Of the sources studied by the task force, the SEARCH model act...as well as the legislation and recommendations of several states (including; Colorado, Massachusetts, Florida, Louisiana, and Ohio) were found to contain endorsements of

these types of basic structuring to assure the necessary protections to the individual and the state.[1]

STANDARD 6.1

1. STATE ENABLING ACT. MONTANA SHOULD ADOPT ENABLING LEGISLATION FOR PROTECTION OF SECURITY AND PRIVACY IN CRIMINAL JUSTICE INFORMATION SYSTEMS. THE ENABLING STATUTE SHALL ESTABLISH AN ADMINISTRATIVE STRUCTURE, MINIMUM STANDARDS FOR PROTECTION OF SECURITY AND PRIVACY, AND CIVIL AND CRIMINAL SANCTIONS FOR VIOLATION OF STATUTES OR RULES AND REGULATIONS ADOPTED UNDER IT. THE PENALTY FOR A VIOLATION SHOULD BE CIVIL, EXCEPT WHERE CONDUCT WAS DONE KNOWINGLY WITH THE INTENT TO VIOLATE.

2. SECURITY AND PRIVACY BOARD. MONTANA SHALL ESTABLISH A SECURITY AND PRIVACY BOARD CONSISTING OF TEN MEMBERS APPOINTED FOR FIVE-YEAR TERMS. THE GOVERNOR WILL APPOINT FIVE MEMBERS TO THE BOARD WHO ARE PRIVATE CITIZENS UNAFFILIATED WITH THE STATE'S CRIMINAL JUSTICE SYSTEM DURING THEIR TERM. THE ATTORNEY GENERAL WILL APPOINT FIVE MEMBERS TO THE BOARD WHO ARE AFFILIATED WITH, AND REPRESENTATIVE OF, THE STATE'S CRIMINAL JUSTICE SYSTEM DURING THEIR TERM. THE TERMS OF THE APPOINTEES WILL BE STAGGERED SO THAT THE GOVERNOR AND THE ATTORNEY GENERAL WILL REGULARLY APPOINT ONE MEMBER EACH TO THE BOARD PER YEAR. EVERY TWO YEARS, THE BOARD WILL ELECT A CHAIRMAN FROM THE BOARD MEMBERSHIP WHO WILL VOTE ONLY IN THE CASE OF A TIE. ANY VACANCY SHALL BE FILLED IN THE SAME MANNER IN WHICH THE ORIGINAL APPOINTMENT WAS MADE AND FOR THE DURATION OF THE UNEXPIRED TERM.

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[1] (a) Project SEARCH, A Model State Act for Criminal Offender Record Information Technical Memorandum #3, (Crime technology research foundation, May 1971), p. 16
(b) State of Colorado, Master Plan for Criminal Justice Information Systems in Colorado Division of Criminal Justice, Oct. 1973 pp. 5-3; 5-9, 10; 5-14, 15
(c) Massachusetts G.L.C. Chapter 805 Sections 160-178, Acts, 1972
(d) State of Florida, Master Plan for Criminal Justice Information Systems for the State of Florida Governors Council on Criminal Justice, 1972 pp. 30-37.
(e) State of Louisiana Louisiana State Criminal Justice Information System Privacy/Security Regulations Louisiana Dept. of Justice July 1, 1974, Sections 1-01 to 1-11
(f) Ohio State University, Standards and Goals Comparison..., p. 45

THE BOARD SHALL HAVE AUTHORITY TO SUPERVISE AND MONITOR THE IMPACTS AND EFFECTIVE OPERATION OF ALL CRIMINAL JUSTICE INFORMATION SYSTEMS WITH PARTICULAR REGARD TO PROTECTIONS TO PERSONAL PRIVACY. THE BOARD SHALL HAVE THE AUTHORITY TO RECOMMEND POLICY CHANGES TO THE LEGISLATURE. IT MAY ALSO ADOPT UNIFORM RULES NOT IN CONFLICT WITH STATE POLICIES AND SAFEGUARDS. ENFORCEMENT WILL BE IN THE DISTRICT COURT. COUNTY ATTORNEYS WILL HAVE THE PRIMARY RESPONSIBILITY FOR ENFORCEMENT, UPON RECOMMENDATION OF THE BOARD. THE BOARD SHALL HAVE SUCH STAFF AS REQUIRED.

3. TRAINING OF SYSTEM PERSONNEL AND PUBLIC EDUCATION. ALL PERSONS INVOLVED IN THE OPERATION OF A CRIMINAL JUSTICE INFORMATION SYSTEM SHOULD BE REQUIRED TO ATTEND APPROVED COURSES OF INSTRUCTION CONCERNING THE SYSTEM'S PROPER USE AND CONTROL.

   INSTRUCTION SHALL BE OFFERED BY AN AGENCY APPROVED BY THE BOARD, AFTER CURRICULUM, MATERIALS, AND INSTRUCTORS' QUALIFICATIONS HAVE BEEN REVIEWED AND APPROVED BY THE BOARD. EACH OPERATOR OR SUPERVISOR SHALL ATTEND A COURSE OF INSTRUCTION WITHIN A REASONABLE PERIOD OF TIME AFTER ASSIGNMENT TO THE CRIMINAL JUSTICE INFORMATION SYSTEM. ALL PERSONNEL IN THE CRIMINAL JUSTICE SYSTEM NOT INVOLVED IN THE DIRECT OPERATION OF THE CJIS SHOULD BE PROPERLY INFORMED AS TO THEIR ROLE IN AND USE OF, THE CRIMINAL JUSTICE INFORMATION SYSTEM.

   THE BOARD SHOULD CONDUCT A PROGRAM OF PUBLIC EDUCATION CONCERNING THE PURPOSES, PROPER USE, AND CONTROL OF CRIMINAL JUSTICE INFORMATION. IT MAY MAKE AVAILABLE UPON REQUEST FACILITIES, MATERIALS, AND PERSONNEL TO EDUCATE THE PUBLIC ABOUT THE PURPOSES, PROPER USE, AND CONTROL OF CRIMINAL JUSTICE INFORMATION.

IMPLEMENTATION

Legislation required.

CROSS REFERENCE

Standards 1.1, 1.5, 1.6, 5.3, 5.4 and 6.2 through 6.7. Courts Report 10.2. Corrections Report 5.10 and 7.3. Community Crime Prevention Report 5.1 and 5.3.

COUNCIL ACTION: Adopted as written.

ACCESS AND DISSEMINATION

ADOPTED

TASK FORCE FINDINGS

The intent of this standard is to suggest limits upon who may use and review criminal justice information. An attempt is made to describe the balance which must exist between the needs of the various criminal justice agencies and the rights to privacy of persons in contact with such agencies.

Further, this standard delineates how the noncriminal justice user relates to the balance mentioned above. Support for establishing such a relation may be found within the Model State Act for Criminal Record Information, developed by Project SEARCH.[1] This model legislation recommends placing specific limitations upon noncriminal justice use of criminal justice information. Here too, policy statements of N.C.I.C.[2] strictly advise confining the use of criminal justice information to criminal justice agencies unless specifically allowed by statute.

The restricted inclusion of the noncriminal justice user into the scheme of this standard is deliberate, since the effective operation of the criminal justice system is often aided by contact with noncriminal justice entities.

The recommendations contained within section 4 of this standard are an attempt to solve the problems of case disposition and breach of privacy. The records surrounding the arrest of an individual cleared of a charge may contain investigative information considered extremely valuable to law enforcement, and indiscriminate dissemination of such information is seen as a clear violation of individual rights to privacy.[3]

A recent abuse of this nature occurred recently in Iowa. The state of Iowa was sued because the individual suffered personal damage due to receipt by various government and law enforcement agencies (as well as some private employers) of arrest information about him after he was found innocent of the crime.

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[1] PROJECT SEARCH Security and Privacy Publications, Part II. A Model State Act for Criminal Offender Record Inforamtion, technical memorandum #3-May 1971 pp. 20-25, 33.

[2] National Crime Information Center Computerized Criminal History Program Background Concept and Policy June 11, 1974 pp.12-13.

[3] What Every Executive Should know about Privacy in Information Systems. State of Illinois Project S.A.F.E. p.15 reference to; Soroken, Michael D.

The task force felt that the balance of interests is best served by strictly controlling dissemination of this information. Reference to criminal records may be the only real way to refute the existance of a criminal conviction. Rather than a complete destruction of the record, maintenance of the record with clear reference to disposition is seen as best for the arrested individual involved in that record. Release of any information must include the current status of the individual referred to.

STANDARD 6.2

1. INFORMATION ACCESS. ANY CRIMINAL JUSTICE AGENCY SHOULD BE GRANTED ACCESS TO CRIMINAL JUSTICE INFORMATION WHEN BOTH A NEED AND A RIGHT TO KNOW EXISTS. CRIMINAL JUSTICE AGENCIES, OR INDIVIDUALS HAVING A NEED OR RIGHT TO KNOW, OR BEING AUTHORIZED BY STATUTE TO RECEIVE CRIMINAL JUSTICE INFORMATION, SHOULD BE SUPPLIED WITH SUCH INFORMATION ONLY THROUGH CRIMINAL JUSTICE AGENCIES.

2. CERTIFICATION OF NON-CRIMINAL JUSTICE USERS. THE BOARD SHOULD RECEIVE AND REVIEW APPLICATIONS FROM NONCRIMINAL JUSTICE AGENCIES FOR ACCESS TO CRIMINAL JUSTICE INFORMATION. EACH AGENCY OR INDIVIDUAL WHO HAS A RIGHT TO SUCH INFORMATION, OR DEMONSTRATES A NEED TO KNOW AND A RIGHT TO KNOW IN FURTHERING A CRIMINAL JUSTICE PURPOSE, SHOULD BE CERTIFIED PRIOR TO ANY ACCESS TO SUCH INFORMATION THROUGH A DESIGNATED CRIMINAL JUSTICE AGENCY.

3. FULL AND LIMITED ACCESS TO DATA. CRIMINAL JUSTICE AGENCIES SHOULD BE ENTITLED TO ALL UNPURGED DATA CONCERNING AN INDIVIDUAL CONTAINED IN A CRIMINAL JUSTICE INFORMATION SYSTEM. NONCRIMINAL JUSTICE AGENCIES SHOULD RECEIVE ONLY THOSE PORTIONS OF THE FILE DIRECTLY RELATED TO THE INQUIRY. SPECIAL PRECAUTIONS SHOULD BE TAKEN TO CONTROL DISSEMINATION TO NON-CRIMINAL JUSTICE AGENCIES OF INFORMATION WHICH MIGHT COMPROMISE PERSONAL PRIVACY, INCLUDING STRICT ENFORCEMENT OF NEED TO KNOW AND RIGHT TO KNOW CRITERIA.

4. ARREST WITHOUT CONVICTION. ALL COPIES OF INFORMATION FILED AS A RESULT OF AN ARREST THAT IS LEGALLY TERMINATED IN FAVOR OF THE ARRESTED INDIVIDUAL SHOULD BE INVENTORIED AND PLACED IN A FILE WHICH CONTAINS INFORMATION CONSIDERED

HIGHLY SENSITIVE, AND IS MAINTAINED UNDER RESTRICTED ACCESS AND MAXIMUM SECURITY. THIS SHOULD BE DONE WITHIN A REASONABLE PERIOD AFTER DISPOSITION OF THE RESPECTIVE CASE. SUCH INFORMATION SHOULD BE HELD IN THIS MANNER FOR FUTURE CLARIFICATION OF DISPOSITION, AND SHOULD NOT BE DISSEMINATED OUTSIDE CRIMINAL JUSTICE AGENCIES UNLESS BY REQUEST OR ACKNOWLEDGEMENT OF THE INDIVIDUAL INVOLVED. THIS RECORD SHOULD BE RETAINED UNTIL GENERAL PURGING CRITERIA ARE MET.

AN EXCEPTION TO PLACING A FILE UNDER SUCH A MAXIMUM SECURITY CLASSIFICATION WOULD BE TAKEN WHEN ANOTHER ACTION OR PROCEEDING IS PENDING AGAINST THE INDIVIDUAL, OR IF HE HAS PREVIOUSLY BEEN CONVICTED IN ANY JURISDICTION IN THE UNITED STATES OF AN OFFENSE THAT WOULD BE DEEMED A CRIME IN MONTANA.

5. ACCOUNTABILITY FOR RECEIPT, USE, AND DISSIMINATION OF DATA. EACH PERSON AND AGENCY THAT OBTAINS ACCESS TO CRIMINAL JUSTICE INFORMATION SHOULD BE SUBJECT TO CIVIL, CRIMINAL, AND ADMINISTRATIVE PENALTIES FOR THE IMPROPER RECEIPT, USE OR DISSEMINATION OF SUCH INFORMATION.

   THE PENALITIES IMPOSED WOULD BE THOSE GENERALLY APPLICABLE TO BREACHES OF SYSTEM RULES AND REGULATIONS NOTED EARLIER.

6. CURRENCY OF INFORMATION. EACH CRIMINAL JUSTICE AGENCY MUST REASONABLY INSURE THAT THE MOST CORRECT RECORD IS OBTAINED OR USED.

IMPLEMENTATION

Legislation required.

CROSS REFERENCE

Standards 5.2, 5.4, and 6.1.
Courts Report 10.2
Corrections Report 3.2, 3.3 and 5.10.

COUNCIL ACTION: Adopted as written.

INFORMATION REVIEW

ADOPTED

TASK FORCE FINDINGS

The right to gain access to, and review information contained in, a criminal justice information system by the individual who is the subject of that information is dealt with in this standard. The principles contained are supported by case law as well as administrative regulation in several instances. The U.S. Supreme Court, as early as 1959, addressed the topic

> "Certain principles have remained relatively immutable in our jurisprudence. One of these is that where government action seriously injures an individual and the reasonableness of the action depends on fact findings, the evidence used to prove the Government's case must be disclosed to the individual so that he has an opportunity to show that it is untrue...This Court has been zealous to protect these rights...not only in criminal cases... but also in all types of case where administrative and regulatory actions were under scrutiny."[1]

An update of N.C.I.C. policy with regard to criminal histories, states that, "The person's right to see and challenge the contents of his record shall form an integral part of the system with reasonable administrative procedures."[2]

Project SEARCH has also advanced statements in support of preserving the individuals rights to challange and access.[3]

Clarification was suggested by the Task Force between the types of records a criminal justice agency could reasonably allow to be reviewed. More specifically, the intelligence files mentioned in section one would include all investigative files whose purpose could not possibly allow

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[1] National Academy of Sciences; Databanks in a Free Society Quadrangle books 1972, p.15 reference here to Greene v. McElroy, 360 U.S. 474 (1959).

[2] N.C.I.C. Advisory Policy Board; NCIC Computerized Criminal History Program Background Concepts & Policy. June 11, 1974.

[3] Project SEARCH; A Model State Act for Criminal Offender Record Information May 1971, p.33.

review by those involved in those investigations. Criminal offender record information which is accessible by personal identifiers and includes arrest and dispositional data is the type information specifically referred to for review in this standard. This review should be allowed only to the individual involved in a particular file or his attorney, in either case only after the identification of the person named by the information is ascertained.

STANDARD 6.3

1. RIGHT TO REVIEW INFORMATION. EXCEPT FOR INTELLIGENCE FILES, EVERY PERSON SHOULD HAVE THE RIGHT TO REVIEW CRIMINAL JUSTICE INFORMATION RELATING TO HIM. EACH CRIMINAL JUSTICE AGENCY WITH CUSTODY OR CONTROL OF CRIMINAL JUSTICE INFORMATION SHALL MAKE AVAILABLE CONVENIENT FACILITIES AND PERSONNEL NECESSARY TO PERMIT SUCH REVIEWS.

2. REVIEW PROCEDURES.
   a. REVIEWS SHOULD OCCUR ONLY WITHIN THE FACILITIES OF A CRIMINAL JUSTICE AGENCY, AND IN THE PRESENCE OF, AN EMPLOYEE OR AGENT OF A CRIMINAL JUSTICE AGENCY DESIGNATED TO SUPERVISE SUCH REVIEWS. THE FILES AND RECORDS MADE AVAILABLE TO THE INDIVIDUAL SHOULD NOT BE REMOVED FROM THE PREMISES OF THE CRIMINAL JUSTICE AGENCY AT WHICH THE RECORDS ARE BEING REVIEWED.
   b. AT THE DISCRETION OF EACH CRIMINAL JUSTICE AGENCY SUCH REVIEWS MAY BE LIMITED TO REGULAR, DAYLIGHT BUSINESS HOURS. A REASONABLE CHARGE MAY BE ASSESSED FOR SUCH REVIEW.
   c. REVIEWS SHOULD BE PERMITTED ONLY AFTER VERIFICATION THAT THE REQUESTING INDIVIDUAL IS THE SUBJECT OF THE CRIMINAL JUSTICE INFORMATION WHICH HE SEEKS TO REVIEW. EACH CRIMINAL JUSTICE AGENCY SHOULD REQUIRE FINGERPRINTING FOR THIS PURPOSE.
   d. A RECORD OF SUCH REVIEW SHOULD BE MAINTAINED BY EACH CRIMINAL JUSTICE AGENCY BY THE COMPLETION AND PRESERVATION OF AN APPROPRIATE FORM APPROVED AND SUPPLIED BY THE BOARD. EACH FORM SHOULD BE COMPLETED AND SIGNED BY THE SUPERVISORY EMPLOYEE OR AGENT PRESENT AT THE REVIEW. THE REVIEWING INDIVIDUAL SHOULD BE ASKED, BUT MAY NOT BE REQUIRED, TO VERIFY BY HIS SIGNATURE THE ACCURACY OF THE CRIMINAL JUSTICE INFORMATION HE HAS REVIEWED. THE FORM SHOULD INCLUDE A RECORDING OF THE NAME OF THE REVIEWING INDIVIDUAL, THE DATE OF THE REVIEW, AND WHETHER OR NOT ANY EXCEPTION WAS TAKEN TO THE ACCURACY, COMPLETENESS, OR CONTENTS OF THE INFORMATION REVIEWED.

e. THE REVIEWING INDIVIDUAL MAY MAKE A WRITTEN SUMMARY OR NOTES IN HIS OWN HANDWRITTING OR MAY MAKE COPIES OF SUCH INFORMATION. CRIMINAL JUSTICE AGENCIES ARE NOT REQUIRED TO PROVIDE EQUIPMENT FOR COPYING, BUT MAY MAKE A REASONABLE CHARGE IF SUCH COPIES ARE PROVIDED.

f. EACH REVIEWING INDIVIDUAL SHOULD BE INFORMED OF HIS RIGHTS OF CHALLENGE. HE SHOULD BE INFORMED THAT HE MAY SUBMIT WRITTEN EXCEPTIONS AS TO THE INFORMATION'S CONTENTS, COMPLETENESS OR ACCURACY TO THE CRIMINAL JUSTICE AGENCY WITH CUSTODY OR CONTROL OF THE INFORMATION. SHOULD THE INDIVIDUAL ELECT TO SUBMIT SUCH EXCEPTIONS, HE SHOULD BE FURNISHED WITH AN APPROPRIATE FORM, APPROVED AND SUPPLIED BY THE BOARD. THE INDIVIDUAL SHOULD RECORD ANY SUCH EXCEPTIONS ON THE FORM. THE FORM SHOULD INCLUDE AN AFFIRMANCE, SIGNED BY THE INDIVIDUAL OR HIS LEGAL REPRESENTATIVE, THAT THE EXCEPTIONS ARE MADE IN GOOD FAITH AND THAT THEY ARE TRUE TO THE BEST OF THE INDIVIDUAL'S KNOWLEDGE AND BELIEF. ONE COPY OF THE FORM WILL BE RETAINED FOR AUDIT.

g. THE CRIMINAL JUSTICE AGENCY SHOULD TAKE REASONABLE STEPS TO DETERMINE THE ACCURACY OF THE EXCEPTIONS. THE INDIVIDUAL SHOULD BE INFORMED OF THE RESULT OF SUCH A DETERMINATION, AND ANY INACCURACIES OR OMISSIONS SHOULD BE RECTIFIED. NOTICE OF CHANGE SHOULD BE MADE TO ALL AGENCIES IN ALL JURISDICTIONS TO WHOM THE INFORMATION HAS PREVIOUSLY BEEN DISSEMINATED.

3. CHALLENGES TO INFORMATION.

a. ANY PERSON WHO CAN SHOW CAUSE THAT CRIMINAL JUSTICE INFORMATION THAT REFERS TO HIM IS INACCURATE, INCOMPLETE, OR MISLEADING, MAY REQUEST ANY CRIMINAL JUSTICE AGENCY WITH CUSTODY OR CONTROL OF THE INFORMATION TO PURGE, DELETE, MODIFY, OR SUPPLEMENT THAT INFORMATION. SHOULD THE AGENCY DECLINE TO DO SO, OR SHOULD THE INDIVIDUAL BELIEVE THE AGENCY'S DECISION TO BE OTHERWISE UNSATISFACTORY, THE INDIVIDUAL MAY REQUEST APPROPRIATE REVIEW.

b. AN APPROPRIATE REVIEW PROCEDURE SHOULD BE ESTABLISHED BY THE BOARD FOR SUCH APPEALS THAT INCORPORATES APPROPRIATE ASSURANCES OF UNIFORM DUE PROCESS FOR THE INDIVIDUAL.

IMPLEMENTATION

1. Legislation required.
2. Use of forms presently supplied by the Montana Board of Crime Control to facilitate such reviews.
3. Criminal Justice Agency administrators adopt these regulations as policy.

CROSS REFERENCES

Standards 1.3, 5.4, 6.1, 6.2, 6.4, 6.5 and 6.6. See, The Revised Codes of Montana 93-1001.4, 93-1001-5 and; Corrections Task Force Report Standards 5.9 and 5.10.

COUNCIL ACTION: Adopted as written.

DATA SENSITIVITY CLASSIFICATION (6.4)

SYSTEM SECURITY (6.5)

PERSONNEL CLEARANCES (6.6)

ADOPTED

TASK FORCE FINDINGS

Though generally accepted as useful and necessary features of an effective set of security measures, Standards 6.4, 6.5 and 6.6 were approved with some reservation about their applicability and necessity at the present time. It is felt by the task force, and most experts agree,[1] that as sophistication and size increase within a system, the need for precaution also expands.

The systems in Montana, being in a rather primal state, require much less to safeguard privacy and security at present, though many of the practices suggested do apply. These standards are aimed at the future, and if taken in that light, and used progressively, would be effective, even if computerization were to happen overnight.

Standard 6.4, 6.5 (#3 & #4), and parts of 6.6 deal with methods of access limitation which have proven quite useful for computing systems where the sensitivity of data is greatly varied.[2] This is true of criminal justice information which ranges from information of public record to information so highly sensitive that only a few persons can be allowed access to it with strict care in any form of dissemination and use.

Standard 6.5 (#1 & #2) deals primarily with security against physical damage to a system. The task force was concerned with the economics of such measures. As in the overall approach to security, cost-benefit type considerations (weighing the probabilities of potential damage, and the costs of such damage against the costs of prevention of it the same) must be taken.

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[1] S. Leibholz & L. Wilson Users Guide to Computer Crime Chilton Books, 1974. p.28

[2] Ibid. p.81

STANDARD 6.4

ITEMS INCLUDED IN CRIMINAL JUSTICE INFORMATION SYSTEMS SHOULD BE CLASSIFIED BY

1. HIGHLY SENSITIVE - PLACES AND THINGS WHICH REQUIRE MAXIMUM SPECIAL SECURITY PROVISIONS AND PARTICULARIZED PRIVACY PROTECTION. ITEMS THAT SHOULD BE INCLUDED IN THIS CATEGORY INCLUDE, FOR EXAMPLE:
   a. CRIMINAL HISTORY RECORD INFORMATION ACCESSED BY USING OTHER THAN PERSONAL IDENTIFYING CHARACTERISTICS, i.e., CLASS ACCESS;
   b. CRIMINAL JUSTICE INFORMATION DISCLOSING ARREST INFORMATION WITHOUT CONVICTION DISSEMINATED TO CRIMINAL JUSTICE AGENCIES;
   c. CRIMINAL JUSTICE INFORMATION THAT HAS BEEN PURGED (as defined in Chapter 5);
   d. COMPUTER, PRIMARY, AND AUXILIARY STORAGE DEVICES AND PHYSICAL CONTENTS, PERIPHERAL HARDWARE, AND CERTAIN MANUAL STORAGE DEVICES AND PHYSICAL CONTENTS;
   e. SECURITY SYSTEM AND BACKUP DEVICES; AND
   f. INTELLIGENCE FILES.
   g. ADDITIONAL ITEMS THAT SHOULD BE INCLUDED IN THIS CATEGORY ARE: COMPUTER PROGRAMS, SYSTEM DESIGN, AND DOCUMENTATION CONCERNING THE SYSTEM; COMMUNICATION DEVICES AND NETWORKS; CRIMINAL JUSTICE INFORMATION DISSEMINATED TO NON-CRIMINAL-JUSTICE AGENCIES; AND RESEARCH AND STATISTICAL REPORTS DERIVED FROM IDENTIFIED INDIVIDUAL CRIMINAL JUSTICE INFORMATION.
   h. FORMS USED TO MAKE ADDITIONS, DELETIONS, CORRECTIONS OR ANY CHANGE IN ITEMS CLASSIFIED AS HIGHLY SENSITIVE SHOULD BE TREATED AS HIGHLY SENSITIVE AND DESTROYED WHEN NO LONGER OF USE.

2. CONFIDENTIAL - PLACES AND THINGS WHICH REQUIRE A HIGH DEGREE OF SPECIAL SECURITY AND PRIVACY PROTECTION. ITEMS THAT MAY BE INCLUDED IN THIS CATEGORY, FOR EXAMPLE, ARE:
   a. CRIMINAL JUSTICE INFORMATION ON INDIVIDUALS DISSEMINATED TO CRIMINAL JUSTICE AGENCIES;
   b. RESEARCH AND STATISTICAL REPORTS DERIVED FROM CRIMINAL JUSTICE INFORMATION ON INDIVIDUALS.

3. RESTRICTED - PLACES AND THINGS WHICH REQUIRE MINIMUM SPECIAL PROTECTION CONSISTENT WITH GOOD SECURITY AND PRIVACY PRACTICES. PLACES THAT MAY BE INCLUDED IN THIS CATEGORY ARE, FOR EXAMPLE, AREAS AND SPACES THAT HOUSE CRIMINAL JUSTICE INFORMATION.

EACH CRIMINAL JUSTICE AGENCY MAINTAINING CRIMINAL JUSTICE INFORMATION SHOULD ESTABLISH PROCEDURES IN ORDER TO IMPLEMENT A SENSITIVITY CLASSIFICATION SYSTEM. THE GENERAL GUIDELINES FOR THIS PURPOSE ARE:

a. PLACES AND THINGS SHOULD BE ASSIGNED THE LOWEST CLASSIFICATION CONSISTENT WITH THEIR PROPER PROTECTION.
b. APPROPRIATE UTILIZATION OF CLASSIFIED PLACES AND THINGS BY QUALIFIED USERS SHOULD BE ENCOURGED.
c. WHENEVER THE SENSITIVITY OF PLACES OR THINGS DIMINISHES OR INCREASES IT SHOULD BE RECLASSIFIED WITHOUT DELAY.
d. IN THE EVENT THAT ANY PLACE OR THING PREVIOUSLY CLASSIFIED IS NO LONGER SENSITIVE AND NO LONGER REQUIRES SPECIAL SECURITY OR PRIVACY PROTECTION IT SHOULD BE DECLASSIFIED.
e. THE ORIGINATOR OF THE CLASSIFICATION IS WHOLLY RESPONSIBLE FOR RECLASSIFICATION.
f. OVERCLASSIFICATION SHOULD BE CONSIDERED TO BE AS DYSFUNCTIONAL AS UNDERCLASSIFICATION.

IT SHALL BE THE RESPONSIBILITY OF THE BOARD TO ASSURE THAT APPROPRIATE CLASSIFICATION SYSTEMS ARE IMPLEMENTED, MAINTAINED AND COMPLIED WITH BY CRIMINAL JUSTICE AGENCIES, WITHIN MONTANA.

STANDARD 6.5

1. PROTECTION FROM ACCIDENTAL LOSS. INFORMATION SYSTEM OPERATORS SHOULD INSTITUTE PROCEDURES FOR PROTECTION OF INFORMATION FROM ENVIRONMENTAL HAZARDS INCLUDING FIRE, FLOOD, EARTHQUAKE, AND POWER FAILURE. APPROPRIATE ELEMENTS SHOULD INCLUDE:
   a. ADEQUATE FIRE DETECTION AND QUENCHING SYSTEMS;
   b. WATERTIGHT FACILITIES;
   c. PROTECTION AGAINST WATER AND SMOKE DAMAGE;
   d. LIAISON WITH LOCAL FIRE AND PUBLIC SAFETY OFFICIALS;
   e. FIRE RESISTANT MATERIALS ON WALLS AND FLOORS;
   f. AIR CONDITIONING SYSTEMS;
   g. EMERGENCY POWER SOURCES; and
   h. BACKUP FILES;
   i. BACKUP SYSTEM

2. INTENTIONAL DAMAGE TO SYSTEM. AGENCIES ADMINISTERING CRIMINAL JUSTICE INFORMATION SYSTEMS SHOULD ADOPT SECURITY PROCEDURES WHICH LIMIT ACCESS TO INFORMATION FILES. THESE PROCEDURES COULD INCLUDE USE OF GUARDS, KEYS, BADGES, PASSWORDS, ACCESS RESTRICTIONS, SIGN-IN LOGS, OR LIKE CONTROLS.

   ALL FACILITIES WHICH HOUSE CRIMINAL JUSTICE INFORMATION FILES SHOULD BE SO DESIGNED AND CONSTRUCTED AS TO REDUCE THE POSSIBILITY OF PHYSICAL DAMAGE TO THE INFORMATION. APPROPRIATE STEPS IN THIS REGARD INCLUDE: PHYSICAL LIMITATIONS ON ACCESS, SECURITY STORAGE FOR INFORMATION MEDIA; HEAVY DUTY, NONEXPOSED WALLS; PERIMETER BARRIERS; ADEQUATE LIGHTING; DETECTION AND WARNING DEVICES, AND CLOSED CIRCUIT TELEVISION.

3. UNAUTHORIZED ACCESS. CRIMINAL JUSTICE INFORMATION SYSTEMS SHOULD MAINTAIN CONTROLS OVER ACCESS TO INFORMATION BY REQUIRING IDENTIFICATION, AUTHORIZATION, AND AUTHENTICATION OF SYSTEM USERS AND THEIR NEED AND RIGHT TO KNOW. PROCESSING RESTRICTIONS, THREAT MONITORING, PRIVACY TRANSFORMATIONS (e.g., scrambling, encoding/decoding), AND INTEGRITY MANAGEMENT SHOULD BE EMPLOYED TO INSURE SYSTEM SECURITY.

4. PERSONNEL SECURITY.
   a. PREEMPLOYMENT SCREENING. APPLICANTS FOR EMPLOYMENT IN INFORMATION SYSTEMS SHOULD BE EXPECTED TO CONSENT TO AN INVESTIGATION OF THEIR CHARACTER, HABITS, PREVIOUS EMPLOYMENT, AND OTHER MATTERS NECESSARY TO ESTABLISH THEIR

GOOD MORAL CHARACTER, REPUTATION, AND HONESTY. GIVING FALSE INFORMATION OF A SUBSTANTIAL NATURE SHOULD DISQUALIFY AN APPLICANT FROM EMPLOYMENT.

INVESTIGATION SHOULD BE DESIGNED TO DEVELOP SUFFICIENT INFORMATION TO ENABLE THE APPROPRIATE OFFICIALS TO DETERMINE EMPLOYABILITY AND FITNESS OF PERSONS ENTERING CRITICAL/SENSITIVE POSITIONS. WHENEVER PRACTICABLE, INVESTIGATIONS SHOULD BE CONDUCTED ON A PRE-EMPLOYMENT BASIS AND THE RESULTING REPORTS USED AS A PERSONNEL SELECTION DEVICE.

b. CLEARANCE ANNUAL REVIEW, SECURITY MANUAL, AND INSERVICE TRAINING: SYSTEM PERSONNEL INCLUDING TERMINAL OPERATORS IN REMOTE LOCATIONS, AS WELL AS PROGRAMMERS, COMPUTER OPERATORS, AND OTHER WORKING AT, OR NEAR THE CENTRAL PROCESSOR, SHOULD BE ASSIGNED APPROPRIATE SECURITY CLEARANCES AND SHOULD HAVE THEIR CLEARANCES RENEWED ANNUALLY AFTER INVESTIGATION AND REVIEW.

EACH CRIMINAL JUSTICE INFORMATION SYSTEM SHOULD PREPARE A SECURITY MANUAL LISTING THE RULES AND REGULATIONS APPLICABLE TO MAINTENANCE OF SYSTEM SECURITY. EACH PERSON WORKING WITH OR HAVING ACCESS TO CRIMINAL JUSTICE INFORMATION FILES SHOULD KNOW THE CONTENTS OF THE MANUAL. TO THIS END, EACH EMPLOYEE SHALL RECEIVE TRAINING EACH YEAR CONCERNING SYSTEM SECURITY.

c. EMPLOYEE DISCIPLINE: THE MANAGEMENT OF EACH CRIMINAL JUSTICE INFORMATION SYSTEM SHOULD ESTABLISH SANCTIONS FOR ACCIDENTAL OR INTENTIONAL VIOLATION OF SYSTEM SECURITY STANDARDS. SUPERVISORY PERSONNEL SHOULD BE DELEGATED ADEQUATE AUTHORITY AND RESPONSIBILITY TO ENFORCE THE SYSTEM SECURITY STANDARDS.

ANY VIOLATIONS OF THE PROVISIONS OF THESE STANDARDS BY ANY EMPLOYEE OR OFFICER OF ANY PUBLIC AGENCY IN ADDITION TO ANY APPLICABLE CRIMINAL OR CIVIL PENALTIES, SHALL BE PUNISHED BY SUSPENSION, DISCHARGE, REDUCTION IN GRADE, TRANSFER, OR SUCH OTHER ADMINISTRATIVE PENALTIES AS ARE DEEMED BY THE CRIMINAL JUSTICE AGENCY TO BE APPROPRIATE.

WHERE ANY PUBLIC AGENCY IS FOUND BY THE BOARD WILLFULLY OR REPEATEDLY TO HAVE VIOLATED THE REQUIREMENTS OF THE STANDARD (act), THE BOARD MAY, WHERE OTHER STATUTORY PROVISIONS PERMIT, PROHIBIT THE DISSEMINATION OF CRIMINAL HISTORY RECORD INFORMATION TO THAT AGENCY, FOR SUCH PERIODS AND ON SUCH CONDITIONS AS THE BOARD DEEMS APPROPRIATE.

STANDARD 6.6

1. THE BOARD SHALL ALSO HAVE THE RESPONSIBILITY OF ASSURING THAT A PERSONNEL CLEARANCE SYSTEM IS IMPLEMENTED AND COMPLIED WITH BY CRIMINAL JUSTICE AGENCIES WITHIN THE STATE.

2. PERSONNEL SHALL BE GRANTED CLEARANCES FOR ACCESS TO SENSITIVE PLACES AND THINGS IN ACCORDANCE WITH STRICT RIGHT TO KNOW AND NEED TO KNOW PRINCIPLES.

3. IN NO EVENT MAY ANY PERSON WHO DOES NOT POSSESS A VALID SENSITIVITY CLEARANCE INDICATING RIGHT TO KNOW HAVE ACCESS TO ANY CLASSIFIED PLACES OR THINGS, AND IN NO EVENT MAY ANY PERSON HAVE ACCESS TO PLACES OR THINGS OF A HIGHER SENSITIVITY CLASSIFICATION THAN THE HIGHEST VALID CLEARANCE HELD BY THAT PERSON.

4. THE POSSESSION OF A VALID CLEARANCE INDICATING RIGHT TO KNOW DOES NOT WARRANT UNCONDITIONAL ACCESS TO ALL PLACES AND THINGS OF THE SENSITIVITY CLASSIFICATION FOR WHICH THE PERSON HOLDS CLEARANCE. IN APPROPRIATE CASES SUCH PERSONS MAY BE DENIED ACCESS BECAUSE OF ABSENCE OF NEED TO KNOW.

5. IN APPROPRIATE CASES. ALL PERSONS IN A CERTAIN CATEGORY MAY BE GRANTED BLANKET RIGHT TO KNOW CLEARANCE FOR ACCESS TO PLACES AND THINGS CLASSIFIED AS RESTRICTED OR CONFIDENTIAL.

6. RIGHT TO KNOW CLEARANCES FOR HIGHLY SENSITIVE PLACES AND THINGS SHALL BE GRANTED ON A SELECTIVE AND INDIVIDUAL BASIS ONLY AND MUST BE BASED UPON THE STRICTEST OF PERSONNEL INVESTIGATIONS.

7. CLEARANCES SHALL BE GRANTED BY THE HEAD OF THE AGENCY CONCERNED AND SHALL BE BINDING ONLY UPON THE CRIMINAL JUSTICE AGENCY ITSELF, EXCEPT THAT RIGHT TO KNOW CLEARANCES FOR MEMBERS OF THE BOARD SHALL BE GRANTED AND SHALL BE VALID FOR ALL PURPOSES WHERE A NEED TO KNOW EXISTS.

8. CLEARANCES GRANTED BY ONE AGENCY MAY BE GIVEN FULL FAITH AND CREDIT BY ANOTHER AGENCY; HOWEVER, ULTIMATE RESPONSIBLILTY FOR THE INTEGRITY OF THE PERSONS GRANTED RIGHT TO KNOW CLEARANCES REMAINS AT ALL TIMES WITH THE AGENCY GRANTING THE CLEARANCE.

9. RIGHT TO KNOW CLEARANCES ARE EXECUTORY AND MAY BE REVOKED OR REDUCED TO A LOWER SENSITIVITY CLASSIFICATION AT THE WILL OF THE GRANTOR. ADEQUATE NOTICE MUST BE GIVEN OF THE REDUCTION OR REVOCATION TO ALL OTHER AGENCIES THAT PREVIOUSLY RELIED UPON SUCH CLEARANCES.

10. IT SHALL BE THE RESPONSIBILITY OF THE CRIMINAL JUSTICE AGENCY WITH CUSTODY AND CONTROL OF CLASSIFIED PLACES AND THINGS TO PREVENT COMPROMISE OF SUCH PLACES AND THINGS BY PROHIBITING ACCESS TO PERSONS WITHOUT CLEARENCE OR WITH INADEQUATE CLEARANCE STATUS.

11. THE BOARD SHALL CAREFULLY AUDIT THE GRANTING OF CLEARANCES TO ASSURE THAT THEY ARE VALID IN ALL RESPECTS, AND THAT THE CATEGORIES OF PERSONNEL CLEARANCES ARE CONSISTENT WITH RIGHT TO KNOW AND NEED TO KNOW CRITERIA.

12. CRIMINAL JUSTICE AGENCIES SHALL BE COGNIZANT AT ALL TIMES OF THE NEED PERIODICALLY TO REVIEW PERSONNEL CLEARANCES SO AS TO BE CERTAIN THAT THE LOWEST POSSIBLE CLEARANCE IS ACCORDED CONSISTENT WITH THE INDIVIDUAL'S RESPONSIBILITIES.

13. TO PROVIDE EVIDENCE OF A PERSON'S SENSITIVITY CLASSIFICATION CLEARANCE, THE GRANTOR OF SUCH CLEARANCE MAY PROVIDE AN AUTHENTICATED CARD OR CERTIFICATE. RESPONSIBILITY FOR CONTROL OF THE ISSUANCE, ADJUSTMENT, OR REVOCATION OF SUCH DOCUMENTS RESTS WITH THE GRANTOR. IN ANY EVENT, ALL SUCH DOCUMENTS MUST HAVE AN AUTOMATIC EXPIRATION DATE REQUIRING AFFIRMATIVE RENEWAL AFTER A REASONABLE PERIOD OF TIME.

IMPLEMENTATION

Legislation required.

CROSS REFERENCES

Standards 1.1, 1.3, 5.1, 5.4, 5.5, 5.6, 6.1, 6.2, 6.3 and 6.7.

COUNCIL ACTION: Adopted as written.

ADOPTED

TASK FORCE FINDINGS

The potential value of research for criminal justice can hardly be denied. Standard 6.7 proposes the regulation of the use of criminal justice information for research through verification of the professionalism and ethics of the researcher. This would be accomplished, as suggested by the standard, through careful screening and approval by the individual agency involved, as well as use of the Board in supplying expertise and scrutiny of any given project when applicable.

General endorsement of this standard can be found in SEARCH documents "Technical Report No. 2" "Technical Memorandum No's 3 and 4". These documents, recognize the value of research by qualified individuals when sufficient mechanisms to avoid potential abuse and safeguard individual rights to privacy are used.

STANDARD 6.7

1. RESEARCH DESIGN AND ACCESS TO INFORMATION. RESEARCHERS WHO WISH TO USE CRIMINAL JUSTICE INFORMATION SHOULD SUBMIT TO THE AGENCY HOLDING THE INFORMATION A COMPLETED RESEARCH DESIGN THAT GUARANTEES ADEQUATE PROTECTION OF SECURITY AND PRIVACY. AUTHORIZATION TO USE CRIMINAL JUSTICE INFORMATION SHOULD BE GIVEN BY THE BOARD ONLY WHEN THE BENEFITS REASONABLY ANTICIPATED FROM THE PROJECT OUTWEIGH THE POTENTIAL HARM TO SECURITY OR PRIVACY.

2. LIMITS ON CRIMINAL JUSTICE RESEARCH. RESEARCH SHOULD PRESERVE THE ANONYMITY OF ALL INDIVIDUALS TO THE MAXIMUM EXTENT POSSIBLE. IN NO CASE SHOULD CRIMINAL JUSTICE RESEARCH BE USED TO THE DETRIMENT OF PERSONS TO WHOM INFORMATION RELATES NOR FOR ANY PURPOSES OTHER THAN THOSE SPECIFIED IN THE RESEARCH PROPOSAL. EACH PERSON HAVING ACCESS TO CRIMINAL JUSTICE INFORMATION SHOULD EXECUTE A BINDING NONDISCLOSURE AGREEMENT WITH PENALTIES FOR VIOLATION.

3. ROLE OF THE BOARD. THE BOARD SHALL ESTABLISH UNIFORM CRITERIA FOR PROTECTION OF SECURITY AND PRIVACY IN RESEARCH PROGRAMS. IF A RESEARCHER OR AN AGENCY IS IN DOUBT ABOUT THE SECURITY OR PRIVACY ASPECTS OF PARTICULAR RESEARCH PROJECTS OR ACTIVITIES THE ADVICE OF THE BOARD SHOULD BE SOUGHT. THE BOARD SHALL MAINTAIN GENERAL OVERSIGHT OF ALL RESEARCH PROJECTS USING CRIMINAL JUSTICE INFORMATION.

4. DUTIES AND RESPONSIBILITIES OF THE HOLDING AGENCY. CRIMINAL JUSTICE AGENCIES SHALL RETAIN AND EXERCISE THE AUTHORITY TO APPROVE IN ADVANCE, MONITOR, AND AUDIT ALL RESEARCH USING CRIMINAL JUSTICE INFORMATION. ALL DATA GENERATED BY THE RESEARCH PROGRAM SHALL BE EXAMINED AND VERIFIED. DATA SHALL NOT BE RELEASED FOR ANY PURPOSES IF MATERIAL ERRORS OR OMMISSIONS HAVE OCCURRED WHICH WOULD AFFECT SECURITY AND PRIVACY.

IMPLEMENTATION

Legislation required with particular regard to a penalty clause for violation under section 2. (Administrative authority given the Privacy and Security Board)

CROSS REFERENCES

Standard 1.3, 5.1, 5.2 and 6.1.

COUNCIL ACTION: Adopted as written.

ADDENDUM TO CHAPTER 6

" THE COSTS OF PRIVACY AND SECURITY SAFEGUARDS"

When the practical aspects of privacy and security begin to take the form of a strategy for implementation, no single set of elements can be overlooked. Generally, there are four major areas considered here:

-protection of the system site

-hardware protection

-protection of the software and data

-management of personnel

Most experts dealing with system security agree that a full complement of the supporting elements to the above are required to achieve success.

In deriving a cost-benefit approach to security one is dealing with rather intangible concepts but in order to approach the problem one must employ this type thinking. Leibholz and Wilson cite five costs generally present in most considerations:

1) investment in depreciable assets

2) funds earmarked for expendable front end costs

3) operating costs

4) audit and review

5) intangible costs for system or personnel performance by the security function either physical or moral wise.[1]

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[1] S. Leibholz and L. Wilson Users Guide to Computer Crime Chilton Books, 1974 p. 57.

It is these types of cost considerations which must be weighed against benefits, which generally result from, total costs (Leibholz and Wilson) if:

1) the subjectable likelihood of each type of natural or deliberate loss event

2) the cost effected if such an event were to occur

3) intangible effects of negative or positive publicity

4) intangible risk reduction if people are made to believe a system is secure.[2]

The above examples are generally directed at private industry, though the same points can be related to information systems in criminal justice. When the needs of the total criminal justice system and its various entities are weighed against the privacy of the individuals involved and the costs of security, both must be insured.

The previous set of standards is an attempt to include in as comprehensive a fashion as possible, the aspects of system security and considerations of privacy in a practical and understandable form. As implementation of such a group were to occur, careful consideration would have to be given to each detail as the needs of a given system or component of the system were assessed and evaluated.

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[2] Ibid. p. 57-8

TECHNICAL

SYSTEM

DEVELOPMENT

CHAPTER 7

TECHNICAL SYSTEM DEVELOPMENT

The standards of this chapter address some of the technical aspects of information systems development. Three areas are emphasized in the standards that follow.

The use of standardized terminology is stressed in the first standard. The ability of an information system to facilitate communication both within the system and externally depends upon the use of uniform definitions regarding criminal justice functioning.

The second point made (Standard 7.2) refers to the evolution of information systems and the requirement that a sound approach to the systems development process be taken.[1] This should include consideration for people, equipment, and documentation surrounding the operation of the system. Standard 7.2 outlines some of these considerations, including guidelines for required documentation.

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[1] The systems development process is usually described in five major steps. These include:

1. System analysis and design;
2. Equipment procurement and installation;
3. Program production including program design, code, and testing;
4. System test and;
5. Turnover and training

(National Advisory Commission on Criminal Justice Standards and Goals Criminal Justice System U.S. Government Printing Office, 1973. p. 140.

The last standard of this chapter relates to physically providing communication internally and externally. Early phases of technical system design must allow for establishing such capabilities.

In approaching the process of system development the standards of Chapter 7 (as with the bulk of this entire report) must be applied to both manual and automated systems.

ADOPTED

TASK FORCE FINDINGS

The ability to deal with the needs of the criminal justice system requires that the terminology and definitions used be uniform between all criminal justice agencies at all jurisdictional levels. The data elements suggested by this standard are the result of comprehensive study by representatives of all facets of the criminal justice system.[1]

This standard is directed at both automated and manual systems. The National Advisory Council's Criminal Justice System, states;

> Lack of standardized terminology has always been a significant problem in human communication; the advent of the computer has magnified its impact enormously. The computer, because of its inability to interpret concepts and ideas directly, requires explicit direction.
>
> The interaction between manual information systems will be improved with the introduction of standardized terminology in criminal justice operations, and it is a logical step toward the implementation of automated and semiautomated systems...

STANDARD 7.1

TO ESTABLISH APPROPRIATE COMMUNICATIONS AMONG LOCAL, STATE, AND FEDERAL CRIMINAL JUSTICE AGENCIES, THE DATA ELEMENTS FOR IDENTIFICATION, OFFENSE CATEGORY AND DISPOSITION ON EACH OFFENDER SHALL BE CONSISTENT WITH SPECIFICATIONS PRESCRIBED BY NCIC AND PROJECT SEARCH.[1] THERE MAY BE A NEED FOR ADDITIONAL OR TRANSLATED EQUIVALENTS OF THE STANDARD DATA ELEMENTS AS INDIVIDUAL AGENCIES; IF SO, IT SHALL BE THE RESPONSIBILITY OF THAT AGENCY TO ASSURE THAT THE BASIC REQUIREMENTS OF THIS STANDARD ARE MET.

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[1] Project SEARCH, Standardized Data Elements for Criminal History Files. Technical Report No. 1 (Sacramento: California Technological Research Foundation, January 1970).

Project SEARCH, Designing Statewide Criminal Justice Statistics Systems The Demonstration of a Prototype. Technical Report No. 3. (Sacramento: California Technological Research Foundation, November 1970).

Project SEARCH, Implementing Statewide Criminal Justice Statistics Systems The Model and Implementation Environment. Technical Report No. 4 (Sacramento: California Technological Research Foundation, January 1972.)

Project SEARCH, Technical Memorandum 2, (Sacramento, CA: Project SEARCH Staff, 1972).

IMPLEMENTATION

The Privacy and Security Board and all Criminal Justice Agencies should adopt standard terminology and data elements in the early development stages of the CJIS.

CROSS REFERENCES

Standards 2.1, 2.7, 2.8, 5.1, 5.2, and 5.3.

COUNCIL ACTION: Adopted as written.

SYSTEM DEVELOPMENT (7.2)

COMMUNICATION (7.3)

ADOPTED

TASK FORCE FINDINGS

System development criteria are necessary to insure optimal use and longevity of the computer based information system. The primary objective of a computer based information system is to assist in the improvement of criminal justice. The computer based information system exists solely to assist criminal justice; criminal justice does not exist for the creation of a computer based information system. The true measure of the system is its contribution to a better criminal justice system as determined by the end users.

Since the information needs and requirements of criminal justice are continually changing it is necessary that the information system be able to respond quickly and adequately to such changes. Simplicity in design and programming as well as continuous documentation are mandatory. Properly documented information systems are easily used, maintained and transferred to other criminal justice agencies.

The use of the COBOL programming language is standard practice in the United States and is in accord with the edict by the Montana Computer Coordination Committee specifying COBOL as the programming language to be used in computer based administrative data systems. The avoidance of a machine level language minimizes the conversion problem and avoids a complete tie-up with any single computer manufacturer.

Standard 7.3 is directed at proper operation of the information system network and the requirements of adequate communication among computer based information systems and the end users. Such an operation can only be achieved if sufficient resources are provided by each agency and the end user of the network.

During the design phase, criminal justice agencies must consider both current and future interfaces to criminal justice information systems at federal, state and local levels. The ability to properly interface with other information systems is essential to the establishment of an effective, integrated network of criminal justice information systems.

STANDARD 7.2

COMPUTER BASED INFORMATION SYSTEMS SHALL BE DEVELOPED ACCORDING TO THE FOLLOWING CRITERIA:

1. THE SYSTEM FIRST AND FOREMOST MUST SERVE THE DEMANDS AND OBJECTIVES OF THE END USER.
2. THE SYSTEM SHALL BE CLEARLY AND THOROUGHLY DOCUMENTED TO ASSURE EASE OF UNDERSTANDING, EASE OF ALTERATION AND MAXIMUM TRANSFERABILITY. AS A MINIMUM, SUCH DOCUMENTATION SHALL INCLUDE:
   a. A COMPLETE AND UNAMBIGUOUS STATEMENT OF THE OBJECTIVE OF THE SYSTEM AND EACH COMPUTER PROGRAM.
   b. INSTRUCTIONS FOR THE USE, OPERATION AND MAINTENANCE OF THE SYSTEM.
   c. SYSTEM AND PROGRAM FLOWCHARTS.
   d. INPUT AND OUTPUT FORMATS.
   e. RESULTS OF TEST RUNS SHOWING SAMPLE INPUT AND OUTPUT DATA.
   f. FILE AND RECORD DESCRIPTIONS.
   g. SOURCE PROGRAM LISTINGS WITH LIBERAL USE OF REMARK OR COMMENT STATEMENTS.
3. THE USE OF A HIGHER LEVEL LANGUAGE; PREFERABLY THE COBOL PROGRAMMING LANGUAGE AND THE AVOIDANCE OF MACHINE LEVEL LANGUAGES.
4. THE UTILITY AND EFFECTIVENESS OF THE SYSTEM WILL BE DETERMINED BY THE END USERS.

STANDARD 7.3

DURING THE DESIGN PHASE OF CRIMINAL JUSTICE INFORMATION SYSTEMS, THE SPECIFIC REQUIREMENTS FOR INTERNAL AND EXTERNAL COMMUNICATION MUST BE CONSIDERED AFTER PROPER CONSULTATION WITH THE END USER.

1. COMPUTER BASED INFORMATION SYSTEMS (including computers and terminals) SHALL BE DESIGNED TO EFFECTIVELY AND EFFICIENTLY OPERATE IN A NETWORK ENVIRONMENT. THE UTILITY AND EFFECTIVENESS OF THE NETWORK WILL BE DETERMINED BY THE END USERS.
2. PROPER ATTENTION SHOULD BE GIVEN TO ASSURE THAT THE STATEWIDE CRIMINAL JUSTICE NETWORK IS PROPERLY LINKED TO OTHER STATE AND FEDERAL CRIMINAL JUSTICE NETWORKS.

IMPLEMENTATION

Adoption of these standards by all criminal justice information system developers and the Board in early phases of design and development.

CROSS REFERENCES

Standards 1.1, 1.2, 1.3, 2.3, 2.3 and 5.5.

COUNCIL ACTION: Adopted as written.

GLOSSARY

AUDIT

A formal examination of methods and procedures of an information system conducted to verify adherance to policy.

AUDIT TRAIL

Records of individual additions, deletions, or modifications to and retrievals from, a data base, retained to facilitate audit.

CALENDARING

The creation of the written physical court calander for use by the public prosecution defense and court personnel.

COBOL

Common Business - Oriented Language. A computer programming language used by business and government because of its suitability to commercial applications.

COMPUTERIZED CRIMINAL HISTORY (CCH)

A record of offender identification, arrests, court dispositions, correctional dispositions and criminal justice status maintained on a computer.

CONTROL UNIT

The responsible agency that controls input/output operations through one or more computer interfaces.

CRIMINAL INTELLIGENCE

Information not necessarily fully substantiated nor resulting from public proceedings concerning criminals. The term does not pertain to criminal offender record information.

CRIMINAL JUSTICE AGENCIES

The governmental bodies created to carry out the sanctions of the criminal law with regard to enforcement, prosecution, defense, adjudication, punishment and rehabilitation for such legal sanctions and breaches of same through the agencies functions.

CRIMINAL JUSTICE INFORMATION SYSTEM

Any manual or automated information system serving the broad functions of law enforcement, prosecution, criminal courts and/or corrections.

DISPOSITION

The final result and respective formal action taken regarding the response of the criminal justice system to a criminal act.

DISSEMINATION

The transmission or publication of criminal justice information.

GOAL

The purpose toward which an endeavor is directed; an end; objective.

GEOCODING

A system correlating the occurance of events with geographical location.

INTERFACE

A shared boundary. An interface might be a hardware component to link two devices or it might be a software component accessed by two or more computer programs.

LAW ENFORCEMENT AGENCY

Synonymous with "police agency".

LOCAL AGENCY

An agency whose jurisdiction is limited to a municipality, county, region or other area within the state. This agency is responsible directly to the inhabitants of that given area and derives all or part of its funding from that area.

LOCALITY

Pertaining to, existing in, of interest to, peculiar to, or serving a neighborhood, district, region or other confined area within the state.

MODULE

A functional unit designed for use with other components.

MODUS OPERANDI

The combination of informational factors and element components which seperate one crime from another and define the perpetrator's method of operation for a particular crime or a group of crimes of the same type.

NEED-TO-KNOW

The specification of what kind(s) of information is to be made available to a qualified user of a data system.

NETWORK

1. In teleprocessing, a number of communities lines connecting a computer with remote terminals.
2. (Computer) A complex consisting of two or more interconnected computing units.

OFFENDER BASED TRANSACTION STATISTICS (OBTS)

An approach to criminal justice statistics in which the individual offender is tracked through each encounter as he is processed from entry into the criminal justice process to the point of exit.

POLICE AGENCY

Any governmental body within the state established and sanctioned to maintain order, enforce the law and prevent and detect crime. The formal references in this report allude only to municipal police departments, tribal police, county sheriff's offices or metropolitan law enforcement agencies whose sole functions are the above on a day to day basis as statutorialy established by law.

PRIVACY

An attribute of the individual, not a characteristic of an information system. The claim by individuals to have control over when, how and to what extent information about himself is used and communicated to others. He also expects that the information will be used only in his best interests and will in no way be used to harm him.

PUBLIC RECORD

Public writings are:

1. The written acts or records of the acts of the sovereign authority, of official bodies and tribunals, and of public officers, legislative, judicial, and executive, whether of this state, of the United States, of a sister state, or of a foreign country;
2. Public records, kept in this state, of private writings.

Revised Codes of Montana, 1947, "93-1001-2 Public Writing Defined."

PURGE

The act of file review and the removal of inaccurate, incomplete or aged data to be retained under special controls.

RECIDIVISM

Recidivism is measured by:

1. Criminal acts that resulted in conviction by a court, when committed by individuals who are under correctional supervision or who have been released from correctional supervision within the previous three years.
2. Technical violations of probation or parole in which a sentencing or paroling authority took action that resulted in the return of the offender to institutional status.

Technical violations should be maintained separately from data on reconvictions. Also, recidivism should be reported in a manner to discern patterns of change. At a minimum, during the three-year followup period, showing the number of recidivists. Discriminations by age, offense, length of sentence and disposition should be provided. Corrections Task Force Report, "Standard 14.1."

RECOMMENDATION

Suggests a specific level of excellance or attainment.

RIGHT-TO-KNOW

Specification, by statute or administrative rule, as to who shall have access to an information system.

SCHEDULING

The selection from a file of new and pending cases of the specific cases to be placed on the calendar of a specific court on a specific date.

SEARCH

A cooperative program of the states, organized to develop and test prototype systems that may have multistate utility for the application of advanced technology to the administration of criminal justice.

SECURITY

In context of systems, security is the ability to restrict the availability of specific information to authorized individuals, and the ability to physically protect all parts of the system, including both data and the system that processed the data from any form of hazard that might endanger its integrity or reliability.

SOFTWARE

A collection of programs, procedures and supporting documentation necessary for the operation of a computer.

STANDARD

A specific level of excellance or attainment used to compare the quality or quantity of a process or performance.

STATISTICS

A collection of numerical data as organized and collected and interpreted by a mathematician specializing in that area. No personal identifiers are meant to be attached to any of this data.

SYSTEMS ANALYSIS

The analysis of an activity to determine precisely what must be accomplished and how to accomplish it.

TERMINAL

A device for the transmission of data between a computer and a user.

TRANSACTION

Any action of a criminal justice agency taken in pursuit of that agencies function in response to a criminal offender. Such an action is seen as a formal response of the criminal justice system to the criminal act.

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